

4. Appeal and Error ↔3137

The Supreme Court's review of questions of law is de novo.

5. Constitutional Law ↔3855

The Takings Clause of the Fifth Amendment applies to the States through the Fourteenth Amendment. U.S. Const. Amends. 5, 14.

6. Eminent Domain ↔3

The takings protection in the New Jersey State Constitution is coextensive with the Takings Clause of the Fifth Amendment of the United States Constitution. U.S. Const. Amend. 5; N.J. Const. art. 1, para. 20.

7. Eminent Domain ↔2.1

In a takings analysis, a court asks: (1) whether the plaintiff has a protected property interest; (2) if so, whether the government's action constituted a taking; (3) if yes, whether that taking was for public use; and (4) if yes to all of the above, whether the statute adequately provides for just compensation. U.S. Const. Amend. 5; N.J. Const. art. 1, para. 20.

8. Eminent Domain ↔2.1

The distinction between "per se" takings and "regulatory" or "use-restriction" takings is not whether the government action at issue comes garbed as a regulation, statute, ordinance, or miscellaneous decree; rather, the essential question is whether the government has physically taken property for itself or someone else, by whatever means, or has instead restricted a property owner's ability to use his own property. U.S. Const. Amend. 5; N.J. Const. art. 1, para. 20.

9. Eminent Domain ↔2.1

One subcategory of per se takings, a "physical appropriation," occurs when the government directly takes private property for its own use or use by a third party, as through the exercise of its power of eminent domain to formally condemn property or by