

City of Crowley v. Ray

- 1999: FEMA issues LOMR, revises FIRM
 - -- Ray buys 4 acres
- 2001: Ray submits preliminary plat for all 4 acres; City approves
 - -- Ray submits final plat for 1.3 ac.; City approves; Ray builds and sells
- 2006: Ray submits prelim. plat for 2.7 ac.; City approves
- 2007: Ray submits final plat for 2.7 ac.
 - -- City requests new flood study; Ray's engineer does it
 - -- City then requires 8' increase in min. floor elevation
 - --Ray: 270,000 yds. of dirt, footings, etc. needed for to raise land
 - ... project "no longer economically feasible"
- 2009: Ray sues City and downstream engineers

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I. PERMITS & APPROVALS (Ripeness and Exhaustion)

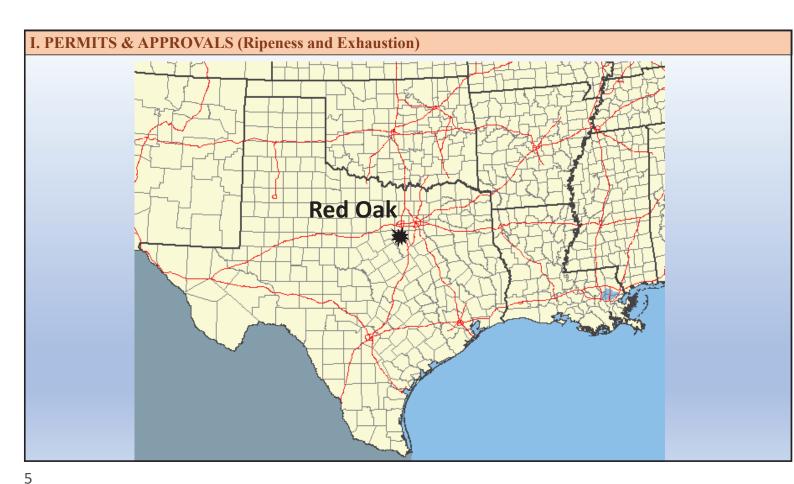
City of Crowley v. Ray

- Ray claims inverse condemnation
- City: Ray must exhaust admin. remedies by seeking variances, appeals, CLOMR's, etc.

Ray must ripen by considering fewer units, changes, etc. like garages on ground floors

- Court: --City took "definitive position," and variances would be futile
 - --City identified no "remedial statutory scheme"
 - ... and Court won't "rummage" through City's ordinances

Therefore, case was ripe . . . no admin. remedies to exhaust



I. PERMITS & APPROVALS (Ripeness and Exhaustion)

Orr v. City of Red Oak

- Orr buys existing building for A/C business
 --submits plans for parking lot expansion
- City PWD reviews plans . . . sends Orr 29 comments re: development ordinance, storm drainage manual, general engineering --says 5-ft-wide sidewalk, ADA ramps, screening wall needed
- Orr objects, then sues: claims requirements unauthorized, etc.
- City: Orr did not appeal to the ZBA, failed to exhaust admin. remedies
- Orr: Director acted ultra vires (but Orr did not sue him)
- Court: PWD comments were "order, requirement, decision, . . ."
 "made by an administrative official" . . . so appealable to ZBA
 HELD: No jurisdiction . . . suit dismissed.





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