

**FINAL EXAMINATION  
PROPERTY II  
PROFESSOR CHRISTIANSEN  
SPRING 2007**

1. You have three (3) hours for this examination. (This is more time than most of you will need.)
2. This is a **closed** book examination.
3. This examination contains two parts: multiple choice questions and an essay question.

**Part I** consists of twenty (20) multiple-choice questions. Correct multiple choice answers are to be marked on the separate ParSCORE test form using pen or pencil and following the instructions on that form. If you change your answer, place a clear “**X**” through the wrong answer and mark the correct answer. A machine will score the exam and any ambiguities will be counted as a wrong answer.

**Part II** consists of one essay question. I strongly encourage you to spend 10-15 minutes outlining the answer before writing. I have allotted sufficient time for you to outline, write and review your answer. Read the question carefully to ensure you address all the issues identified.

**NOTE:** The relative importance of the two parts of the exam are explained below.

Part I – 40% of the final exam grade (20% of the overall course grade)

Part II— 60% of the final exam grade (30% of the total course grade)

4. Write your student exam number on your exam envelope. Put your student exam number at the top of this page, each page of questions, each blue book, and the ParSCORE test form. **Do not** use your name, student ID number or Social Security Number on any exam materials.
5. At the conclusion of the exam, all examination papers—including the Part I ParSCORE test form, your answer for Part II, the examination questions, these instructions, and all notes—must be placed back in the exam envelope. Failure to return all materials will result, among other sanctions, in a failing grade of “F” for the course. **Do not** seal the envelope.

After this exam, you have nearly finished your first year of law school – congratulations.

Relax and have confidence in your abilities. Now, take a deep breath and begin.

**GOOD LUCK!**

## PART II

### ESSAY QUESTION

**Suggested time: 75-90 minutes**

McCarthy's Monster Mall has been in negotiations with the City of Pleasant Valley for several years. Monster Mall wants to build the "most fantastic mall in all of America—with prices so low, they are scary!" McCarthy identified two city block-sized lots in an undeveloped portion of Pleasant Valley. Both lots were zoned HI-1, a zone for Heavy Industrial Uses.

The Pleasant Valley City Council, which was thrilled about the tax revenue that would come in through Monster Mall, re-zoned the lots C-1 at the request of McCarthy's. Zone C-1 permits any commercial uses. They also, changed the name of the street running between the two lots to Monster Boulevard. These changes were done without calling a community hearing or consulting the Pleasant Valley Planning Commission or Zoning Appeals Board. Strong opposition was organized by members of the Pleasant Valley Small Business Association but it had no impact on the final decision.

After the re-zoning, McCarthy presented its development plans to Pleasant Valley. The core of the Mall is two separate two-story, traditional mall buildings joined by an elevated pedestrian walkway that would connect the two halves of the Mall across Monster Boulevard. The plans included a "Scare Zone" around the exterior of the mall's two buildings and under the walkway. In the "Scare Zone," costumed employees dressed as movie monsters will haunt the shoppers—jumping out from hiding places between parked cars or in the extensive foliage (planted to provide plenty of hiding places) under the walkway and along the Mall's exterior sidewalks. The mall intends to be open later than most malls (till midnight on Thursday through Sunday), so there will be lots of shopping at night.

The City reluctantly agrees to the proposed plan but has some safety concerns—they are concerned that the Mall will be a magnet for crime because of the darkness, the heavy foliage and the presence of people in masks. The City grants the planning permits only on the condition that the Mall install and monitor expensive 24-hour digital security cameras with infrared capabilities in order to monitor activities in the dark foliage areas and at night. The City also requires that the cameras be placed and monitored, at the Mall's expense, along Monster Boulevard and "all public sidewalks within one city block of the Mall's two lots." The city will allow the cameras to be mounted on city telephone poles but the Mall must maintain the cameras and pay their electricity usage. As a result, the Mall must monitor their own 7 exterior and 10 nearby city blocks of sidewalks at significant cost in equipment, staff time and other costs. The Mall protests this requirement but complies with it while the challenge it in court.

The Mall opens and is terrifyingly successful. Many other local businesses open up in the areas around the Mall. Six months after the Mall's "Spooky Grand Opening," the City passes a regulation that requires all City businesses with security cameras to store the recordings on site at their own expense for a period of two years after the recording date" and creates fines for non-compliance. The Mall objects that this regulation is a huge burden on them because they will have to set aside significant storage space on their computer hard drives in order to store all of the digital recordings from a two-year period.

## **Questions**

1. The Pleasant Valley Small Business Association sues to close the mall. They claim the rezoning was illegal and the Mall is a non-conforming use in an HI-1 zone. Evaluate these claims against the City.
2. Monster Mall has filed suit against the City claiming that the requirement to install and monitor security cameras over a 17-block area of mostly public sidewalks is an unlawful permit condition placed upon them. Evaluate their property law claims against the City.
3. Monster Mall claims that the requirement that they store digital recordings for the City on their own computers is an unlawful takings. Evaluate their claims against the City.

**END OF PART II**

**END OF EXAM**