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1. [63C Am Jur 2d Property § 11](#)

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63C Am Jur 2d Property § 11

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Author

Jeffrey J. Shampo, J.D.

§ 11 Public and private property

Public property is that owned by the public as such in some governmental capacity. ¹However, the fact that private property is used exclusively for public purposes does not change the nature of the property or the title in such property so as to convert it into public property. ²The property of a state college university is considered the property of the state for taxing purposes, and for purposes of a takings claim. ³

The distinction between public and private property is important in connection with the application of constitutional and statutory provisions relating to the taking of private property under the power of eminent domain ⁴and provisions for the exemption of public property from taxation. ⁵

Property becomes clothed with a public interest when used in a manner to make it of public consequence and to affect the community at large. ⁶Thus, the public at large is capable of acquiring a nonpossessory interest in land. ⁷When one devotes his or her property to a use in which the public has an interest, he or she, in effect, grants to the public an interest in that use and must submit to being controlled by the public for the common good to the extent of the interest which he or she has thus created. ⁸

Reference

¹ Am. Jur. 2d, Public Lands § 1; Am. Jur. 2d, States, Territories, and Dependencies § 67; Am. Jur. 2d, United States § 31.

² [*Board of Trustees of Gate City Guard v. City of Atlanta*, 113 Ga. 883, 39 S.E. 394 \(1901\).](#)

³ Am. Jur. 2d, Colleges and Universities § 35.

⁴ Am. Jur. 2d, Eminent Domain § 9.

⁵ Am. Jur. 2d, State and Local Taxation §§ 242 to 253.

⁶ [*U.S. v. Ohio Oil Co.*, 234 U.S. 548, 34 S. Ct. 956, 58 L. Ed. 1459 \(1914\).](#)

⁷ [*Town of Manchester v. Augusta Country Club*, 477 A.2d 1124 \(Me. 1984\).](#)

⁸ [*In re Traders Compress Co.*, 381 F. Supp. 789 \(W.D. Okla. 1973\).](#)

As to governmental control and regulation of use of private property, see §§ 40, 41.

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West's Key Number Digest, Property [westkey]3, 4

A.L.R. Index, Intangible Hereditaments or Property

A.L.R. Index, Interest in Property or Subject Matter

A.L.R. Index, Lots and Parcels

A.L.R. Index, Personal Property

A.L.R. Index, Property

A.L.R. Index, Sale and Transfer of Property

A.L.R. Index, Title and Ownership

West's A.L.R. Digest, Property [westkey]3, 4

West's Key Number Digest, Property [westkey]3, 4

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