

Bond Case Briefs

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EMINENT DOMAIN - MISSOURI

State ex rel. Jackson v. Dolan

Supreme Court of Missouri, En Banc - May 28, 2013 - S.W.3d - 2013 WL 2459994

Landowners petitioned for writ of prohibition, contending that order condemning their land at request of port authority was unauthorized.

The Supreme Court of Missouri held that:

- Condemnation by port authority of landowner's land through eminent domain satisfied the public use requirement, but
- Taking violated statute that prohibited port authority from acquiring private property through eminent domain for solely economic development purposes.

"Economic development" is defined in statute that prohibits condemning authority from acquiring private property through the process of eminent domain for solely economic development purposes as an increase in all four of the factors listed in the definition, that is, an increase in the tax base, tax revenues, employment, and general economic health.

Port authority's taking of landowner's land was solely for economic development purposes and, thus, violated statute that prohibited port authority from acquiring private property through eminent domain for solely economic development purposes. Although taking would have facilitated construction of a loop track to handle trains and improved river commerce, taking was included in the port authority's economic development plan, and the only manner in which the taking would have improved river commerce was by drawing more economic development into the area, as opposed to making such commerce easier to conduct.