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EMINENT DOMAIN - MISSISSIPPI

City of Jackson v. Jordan

Supreme Court of Mississippi - August 18, 2016 - So.3d - 2016 WL 4398971

Condemnee brought action against condemner, alleging that condemner violated his constitutional rights by depriving him of his property without due process of law.

Following a bench trial, the Circuit Court entered judgment in favor of condemnee and denied condemner's motion for reconsideration. Condemner appealed.

The Supreme Court of Mississippi held that:

- Condemnee had standing to file claim, even though condemnee acquired property from minor-grantor;
- Ten-day statutory limit in which to appeal decision rendered by municipal authorities was inapplicable to condemnee, and thus, condemnee's failure to timely appeal decision did not deprive Circuit Court of jurisdiction;
- Condemner's immunity from tort claims based on administrative action or inaction of a legislative or judicial nature did not protect it from condemnee's claim; and
- Condemner waived issue of proper method of determining damages by failing to preserve the issue at trial and on appeal.

Condemnee had standing to file claim against condemner alleging that he was deprived of his property without due process of law, even though condemnee acquired property from minor-grantor, where grantor did not seek to avoid deed, but ratified the deed by affidavit upon reaching the age of majority.

Ten-day statutory limit in which to appeal decision rendered by municipal authorities was inapplicable to condemnee who filed action against city-condemner after it ordered his house demolished as menace to public health, and thus, condemnee's failure to timely appeal decision did not deprive Circuit Court of jurisdiction, where condemner's notice of condemnation hearing did not provide the statutorily required two-weeks notice, and condemnee did not become aware of the condemnation until after time to appeal condemner's decision had expired.

City-condemner's immunity from tort claims based on administrative action or inaction of a legislative or judicial nature did not protect city from condemnee's claim, alleging that city failed to give him notice of condemnation as required by statute in violation of his due process rights. City's immunity against tort claims did not encompass claims of constitutional violations.

Condemner waived issue of proper method of determining damages in action brought by condemnee, alleging that condemner deprived him of his property without due process of law, by failing to preserve the issue at trial and on appeal, where condemner failed to object that condemnee's receipts for home repairs were improper method for calculating damages, and did not make argument on appeal with citations to relevant legal authority.

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