

Bond Case Briefs

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EMINENT DOMAIN - MINNESOTA

Yarmon v. Minnesota Dept. of Transp.

Court of Appeals of Minnesota - October 17, 2016 - Not Reported in N.W.2d - 2016 WL 6077143

Property owners brought inverse-condemnation action after road construction increased travel time to their business from highway.

The District Court granted summary judgment to State. Owners appealed.

The Court of Appeals held that:

- Owners did not have right to direct and immediate access to highway, and
- No taking of property occurred.

Owners of property abutting right-of-way to highway did not have right to direct and immediate access to highway following road construction, where owners had never enjoyed direct and immediate access to highway.

Evidence supported finding that access to property abutting right-of-way to highway was still reasonably convenient and suitable after road construction, and thus no unconstitutional taking occurred, even though travel distance from highway to business had increased by 2,600 feet and 3,600 feet and grade elevation may have obstructed visibility of business from highway. Increased distances did not render access unreasonable, and no land was taken.