

# **Bond Case Briefs**

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## **EMINENT DOMAIN - WEST VIRGINIA**

### **Mountain Valley Pipeline, LLC v. McCurdy**

**Supreme Court of Appeals of West Virginia - November 15, 2016 - S.E.2d - 2016 WL 6833119**

Landowners brought action against private pipeline company, seeking declaratory judgment that company could not enter their property to survey the area as potential location for natural gas pipeline that company planned to construct.

The Supreme Court of Appeals held that company's proposed natural gas pipeline was not being constructed for "public use," and thus, statute governing entry on lands by incorporated companies did not allow company to enter landowners' property to survey the area as potential location for the pipeline.

Private company's proposed natural gas pipeline was not being constructed for "public use," and thus, statute governing entry on lands by incorporated companies did not allow company to enter landowners' property to survey the area as potential location for the pipeline, where owners of natural gas were affiliates of the company, company could not identify single West Virginia consumer or natural gas provider who was not affiliated with the company who would derive benefit from the pipeline, and company had no firm agreement to ship natural gas through the pipeline for anyone other than affiliated companies.