

Bond Case Briefs

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EMINENT DOMAIN - IOWA

Johnson Propane, Heating & Cooling, Inc. v. Iowa Department of Transportation

Supreme Court of Iowa - March 3, 2017 - N.W.2d - 2017 WL 836826

After a compensation commission awarded landowner funds for a partial taking by the Department of Transportation, landowner filed a notice of appeal, arguing that the taking left it with an uneconomical remnant.

Department moved for summary judgment on the basis that the challenge was not timely. The District Court granted the motion.

The Supreme Court of Iowa held that landowner alleging that Department of Transportation's partial taking left it with an uneconomical remnant was required to bring a separate action within 30 days from notice of assessment, rather than in proceedings in front of compensation commission. Compensation commission lacked authority to determine whether taking left an uneconomical remnant.