

# **Bond Case Briefs**

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## **EMINENT DOMAIN - IOWA**

### **City of Eagle Grove v. Cahalan Investments, LLC**

**Supreme Court of Iowa - December 1, 2017 - N.W.2d - 2017 WL 5990002**

City filed petitions seeking transfer of two properties, alleging properties were abandoned and in an advanced state of disrepair.

The District Court denied the petitions on grounds that transfer would constitute an unconstitutional taking, and city appealed.

The Supreme Court of Iowa held that:

- Landowner abandoned protected property interest in properties such that city's acquisition was not an unconstitutional taking, and
- Acquisition of title pursuant to abandonment statute did not effectuate an unconstitutional regulatory taking by denying landowner all economically beneficial use of the properties.

Landowner abandoned protected property interest in two properties such that city's act in petitioning to take title to the properties did not constitute an unconstitutional taking without compensation, where landowner allowed the properties to persist in a condition unfit for human habitation, allowed the properties to remain vacant, and failed to make timely and reasonable efforts to remedy the public nuisances created by the properties after notification of the problems.

City's acquisition of title to landowner's two abandoned nuisance properties pursuant to abandonment statute did not effectuate an unconstitutional regulatory taking by denying landowner all economically beneficial use of the properties. Abandonment statute was in effect at time landowner acquired second parcel, and while acquisition of first parcel predated that statute, landowner could have lost title to the property under existing general nuisance and property forfeiture law if it allowed the property to become and persist as a public nuisance.