

Bond Case Briefs

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EMINENT DOMAIN - NORTH DAKOTA

Brandt v. City of Fargo

Supreme Court of North Dakota - January 22, 2018 - N.W.2d - 2018 WL 493947 - 2018 ND 26

Property owners appealed city's resolution of necessity after city commission passed resolution related to construction of a flood protection project.

The District Court dismissed property owners' appeals, and property owners appealed to the Supreme Court.

The Supreme Court of North Dakota held that district court did not have jurisdiction over appeals from property owners who sought to challenge city's resolution of necessity after city commission passed resolution related to construction of a flood protection project; city's determination to exercise the power of eminent domain for an authorized public use was a legislative question which was not subject to judicial review, and no statute authorized owners' appeal.