

Bond Case Briefs

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EMINENT DOMAIN - MAINE

Bayberry Cove Children's Land Trust v. Town of Steuben

Supreme Judicial Court of Maine - February 27, 2018 - A.3d - 2018 WL 1056204 - 2018 ME 28

Land trust brought eminent domain action challenging town's taking of road.

The Superior Court entered judgment in town's favor. Trust appealed.

The Supreme Judicial Court held that:

- Taking arose from public exigency, and
- Taking was for public use.

Town's taking of road arose from public exigency in eminent domain action, and thus taking was not result of bad faith or abuse of power, where eminent domain process began in response to legal challenges concerning use and ownership of road, town issued public notice of meeting to address taking, no argument was made that taking exceeded what was necessary to align road's record description with its physical location, and road was suitable for current use as public way.

Town's taking of road was for public use in eminent domain action, although private party stood to benefit from taking, where public had used road for nearly 190 years, and town maintained road during that time.