

Bond Case Briefs

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EMINENT DOMAIN - NORTH DAKOTA

Owego Township v. Pfingsten

Supreme Court of North Dakota - March 8, 2018 - N.W.2d - 2018 WL 1191414 - 2018 ND 68

Property owner appealed from township's determination authorizing the taking of two acres for relocation of township road, and township's \$9,000 award of damage.

The District Court granted township's motion to dismiss, and property owner appealed.

The Supreme Court of North Dakota held that:

- The 30-day period for period for property owner to appeal from township's determination and property damage award began to run on the date township filed the determination and statement of damages with the township clerk;
- Statutory provision governing quick take procedures by a county seeking acquisition of a right of way through eminent domain proceedings did not apply to extend the 30-day period for appealing the township's determination; and
- State constitution's Taking Clause did not operate to extend the 30-day period for appealing the township's determination.