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EMINENT DOMAIN - NORTH CAROLINA

Wilkie v. City of Boiling Spring Lakes

Supreme Court of North Carolina - March 2, 2018 - S.E.2d - 2018 WL 1124845

Property owners brought statutory inverse condemnation action after city raised lake level that flooded their properties.

The Superior Court concluded that property owners were entitled to damages from city's taking, and city appealed. The Court of Appeals reversed and remanded due to lack of public use. Property owners sought discretionary review.

The Supreme Court of North Dakota held that inverse condemnation remedy is not dependent upon takings as being for public use.

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