
EMINENT DOMAIN - LOUISIANA

Archbold-Garrett v. New Orleans City

United States Court of Appeals, Fifth Circuit - June 22, 2018 - F.3d - 2018 WL 3096680

Property owners brought action against city alleging violations of the Takings Clause, the Fourth Amendment, and the Due Process Clause, arising out of city's demolition of building on their property.

The United States District Court dismissed action. Owners appealed.

The Court of Appeals held that:

- Owners' procedural due process claim was not subsidiary to their takings claim and thus was not unripe along with the takings claim;
- Prudential concerns justified federal court's adjudication of owners' takings claim along with their due process claim; and
- Owners' Fourth Amendment seizure claim was ripe.

An inverse condemnation action under Louisiana law likely would not have fully compensated property owners for city's alleged violation of their due process rights in demolishing building on property without providing notice to owners, and thus owners' procedural due process claim was not subsidiary to their takings claim and was not unripe along with the takings claim, despite their failure to initiate inverse condemnation action in state court prior to bringing action in federal court; in addition to fair market value of property, owners sought relief from city's bill for demolition costs and lien on property and damages for their due process injury, which were not clearly provided for in an inverse condemnation action.

Prudential concerns justified federal court's adjudication of property owners' takings claim against city along with their due process claim, despite fact that owners' takings claim was not ripe due to their failure to initiate inverse condemnation action in state court prior to bringing action in federal court, where court had determined that owners' due process claim was ripe, and fairness and judicial economy would have been served by litigating the two actions that were based on the same set of facts together, rather than in parallel actions that would needlessly generate additional legal expenses for the parties.

Property owners' Fourth Amendment seizure claim arising out of city's demolition of building on their property without notice was ripe, where the building had been demolished, which was the seizure at issue.

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