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**EMINENT DOMAIN - NORTH DAKOTA**

## Northern States Power Company by Board of Directors v. Mikkelson

**Supreme Court of North Dakota - March 3, 2020 - N.W.2d - 2020 WL 1024592 - 2020 ND 54**

Electric utility filed eminent domain action, seeking to obtain electrical transmission line easement.

The District Court granted partial summary judgment on whether the taking was necessary for a public purpose, and thereafter granted summary judgment to utility on issue of just compensation. Landowners appealed.

The Supreme Court held that landowner's theory that acreage burdened had no value and that amount of diminution "taken across the whole of the Subject Property" yielded the fair market value after the taking was sufficient to create genuine issue of material fact as to the amount the easement devalued the property which precluded summary judgment.

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