

Bond Case Briefs

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EMINENT DOMAIN - FEDERAL

Mason v. United States

United States Court of Federal Claims - November 9, 2021 - Fed.Cl. - 2021 WL 5190907

Owners of real property adjacent to rail corridor brought action against United States, asserting that government's authorizing conversion of railroad rights-of-way into recreational trails pursuant to the National Trails System Act resulted in a taking in violation of Fifth Amendment.

Owners filed motion to amend their complaint, seeking to substitute plaintiff.

The Court of Federal Claims held that proposed amendment, seeking to substitute tenants in common, care of individual with 30.1% of ownership in the tenancy in common, as owner of certain parcel would be allowed.

Proposed amendment to property owners' complaint, asserting that government's authorizing conversion of railroad rights-of-way into recreational trails resulted in a taking in violation of Fifth Amendment, seeking to substitute tenants in common, care of individual with 30.1% of ownership in the tenancy in common, as owner of certain parcel in place of current plaintiff with respect to that parcel would be allowed, since tenants in common were proper party to bring an inverse condemnation claim regarding parcel and owners nonfrivolously alleged that the tenancy in common was duly authorized to do so based on terms of agreement governing the tenancy in common.