

Bond Case Briefs

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EMINENT DOMAIN - ARKANSAS

Watkins v. Lawrence County, Arkansas

United States Court of Appeals, Eighth Circuit - May 28, 2024 - F.4th - 2024 WL 2716422

Landowners brought action for damages and injunctive relief against county and county officials, alleging that the culvert bridge the county built over a slough to replace a wooden bridge acted as a dam and caused their farms to flood, resulting in an unlawful taking of their properties without providing just compensation, in violation of the United States Constitution and the Arkansas Constitution.

After the jury returned verdict for landowners, which awarded them less than they had requested, the United States District Court for the Eastern District of Arkansas denied the defendants' renewed motion for judgment as a matter of law and denied landowners' request for permanent injunctive relief ordering the county to remove the culvert bridge. The parties appealed.

The Court of Appeals held that:

- Whether fair and reasonable approximation of damages could be made, based on evidence of average daily rental value of landowners' farms and number of days they were flooded, was issue for jury;
- Issue of whether flooding that occurred on landowners' farms after a crop was gathered and sold could play into amount of damages was for the jury;
- Issue of whether \$20,000 in repairs landowner made to his property were caused by additional flooding caused by the culvert bridge was for the jury;
- Evidence was sufficient for jury to conclude that the culvert bridge caused six tracts to flood even though they were outside reach of landowners' expert's model; and
- Trial court's heavy reliance on law of standing in denying permanent injunction made it unclear whether irrelevant considerations materially affected court's equitable discretion.