

[Bond Case Briefs](#)

Municipal Finance Law Since 1971

CONDEMNATION - NORTH CAROLINA

[Askew v. City of Kinston](#)

Supreme Court of North Carolina - June 28, 2024 - 902 S.E.2d 722

African American property owners brought action against city alleging that city's racially discriminatory and arbitrary decisions in condemning their individual properties violated the equal protection and due process guarantees of North Carolina's Constitution.

The Superior Court granted summary judgment to city. Owners appealed. The Court of Appeals vacated and remanded. City appealed.

The Supreme Court held that:

- Court of Appeals improperly merged owners' claims and overlooked the distinct constitutional injuries and theories of recovery raised, and
- Court of Appeals improperly tied administrative exhaustion to subject-matter jurisdiction over *Corum* claims, 413 S.E.2d 276.

On appeal of trial court's grant of summary judgment to city on African American property owners' claims alleging city's property condemnation process was racially discriminatory in violation of equal protection and due process guarantees of State Constitution, Court of Appeals improperly merged owners' claims and overlooked the case-by-case inquiry that was required for discrete claims under *Corum* doctrine, 413 S.E.2d 276, replacing it with a blanket jurisdictional mandate, thus requiring remand; Court of Appeals addressed substantive due process claim and determined that proper relief could be provided by an injunction, but it sidestepped the equal protection challenge for which owners asserted a different injury and which required a different species of relief, a mandate of equal treatment.

On appeal of trial court's grant of summary judgment to city on African American property owners' claims alleging city's property condemnation process was racially discriminatory in violation of equal protection and due process guarantees of State Constitution, Court of Appeals improperly tied administrative exhaustion to subject-matter jurisdiction over *Corum* suits, 413 S.E.2d 276, transplanting the rules for run-of-the-mill agency disputes into *Corum's* unique framework that required evaluation of adequacy of relief, thus requiring remand; Court of Appeals vacated trial court's ruling on jurisdictional grounds by assuming that, without evaluating the administrative scheme and its congruence with owners' discrete *Corum* claims, that unjustified condemnation of owners' properties could be reviewed and redressed by administrative process.