

Bond Case Briefs

Municipal Finance Law Since 1971

EMINENT DOMAIN - MICHIGAN

HRT Enterprises v. City of Detroit, Michigan

United States Court of Appeals, Sixth Circuit - December 22, 2025 - F.4th - 2025 WL 3706790

Owner of property within airport's "visibility zone" brought de facto takings action against city under § 1983, alleging it was deprived of all economically viable use of property.

After the United States District Court for the Eastern District of Michigan granted partial summary judgment in favor of property owner on issue of liability, jury awarded \$4.25 million to property owner. The District Court granted city's motion for remittitur, which city rejected, and new trial was ordered. The District Court denied city's motion to dismiss for lack of subject matter jurisdiction. Following second trial, jury awarded property owner \$1,976,820 in just compensation. City appealed and property owner cross-appealed.

The Court of Appeals held that:

- City had taken sufficiently definitive position that it would not condemn property, and thus owner's claim was ripe for adjudication;
- Owner's federal action was not barred by claim or issue preclusion;
- City's activities with regard to its redevelopment of airport amounted to a de facto taking of owner's property; and
- Facts adduced at trial did not support jury's \$4.25 million judgment, and thus district court did not abuse its discretion in ordering remittitur of damages to \$2 million.