

# **Bond Case Briefs**

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## **EMINENT DOMAIN - NORTH DAKOTA**

### **Alliance Pipeline L.P. v. Smith**

**Supreme Court of North Dakota - July 18, 2013 - N.W.2d - 2013 ND 117**

Natural gas provider petitioned to enter property owner's property for examinations and surveys related to construction of natural gas pipeline. The District Court granted petition. Property owners appealed.

The Supreme Court of North Dakota held that:

- Provider's inclusion of matters outside the record did not warrant striking appellate brief;
- Motion to alter or amend was not served and filed within 28 days of notice of judgment;
- Motion for reconsideration was made within a reasonable time;
- Trial court had subject matter jurisdiction;
- Challenge to scope of order was moot; and
- Property owners were not entitled to award of attorney fees.

District court had subject matter jurisdiction to resolve natural gas provider's petition seeking access to property owners' property for examinations and surveys related to proposed natural gas pipeline, where statute authorized an entity in charge of a public use to enter upon another's land and make examinations and surveys in contemplation of condemnation for a public use, but statute did not describe a procedure to enforce that statutory right if the landowner objected to entry upon the land. District court had statutorily-prescribed subject-matter jurisdiction to hear and determine all civil proceedings and all powers necessary to the full and complete jurisdiction of the causes and the parties and full and complete administration of justice.

Property owners' challenge to the scope of trial court's order authorizing natural gas provider to access property owners' property to conduct examinations and surveys related to proposed natural gas pipeline was rendered moot by provider's completion of the examinations and surveys.