

# **Bond Case Briefs**

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## **INVERSE CONDEMNATION - KENTUCKY**

### **Stewart v. City of Franklin**

**United States District Court, W.D. Kentucky, Bowling Green Division - December 2, 2013 - Slip Copy - 2013 WL 6230497**

This case arises out of the fire at Plaintiff's residence on August 1, 2012 and the subsequent demolition of the property on August 3, 2012. Following the fire, the City of Franklin condemned the property and razed the building.

The Plaintiff alleged that Defendants violated constitutional rights and federal laws by not compensating him and not providing him an opportunity to contest the actions of the government prior to the demolition of his property. Defendants contended that Plaintiff must exhaust state remedies, specifically an inverse condemnation action, before asserting these claims in federal court. As such, Defendants argued that Plaintiff's claims are not ripe, and thus, the Court does not have subject matter jurisdiction.

Plaintiff contended that he does not need to file an action for an inverse condemnation because this taking solely related to private use, not public use. The Court rejected Plaintiff's argument concerning the condemnation of his property falling into the category of a private taking. Plaintiff correctly states that a taking for a purely private use constitutes a constitutional violation. *Montgomery v. Carter Cnty.*, 226 F.3d 758, 765 (6th Cir.2000). However, to succeed on such a claim, Plaintiff must show that the "taking had no rational connection to a minimally plausible conception of the public interest." *Id.* at 768. Here, the facts alleged by Plaintiff demonstrate that his property was demolished in connection with obtaining a local development grant. This fact alone is enough to meet the extremely low threshold of showing a connection to a public use.