

# **Bond Case Briefs**

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## **EMINENT DOMAIN - IDAHO**

### **Alliance for Property Rights and Fiscal Responsibility v. City of Idaho Falls**

**United States Court of Appeals, Ninth Circuit - December 31, 2013 - F.3d - 2013 WL 6851450**

Property owners filed state court action alleging that city's use of its eminent domain power to condemn land outside of city for purpose of building electric transmission lines for municipal electrical utility violated their due process rights. After removal, the United States District Court entered summary judgment in owners' favor, and city appealed.

The Court of Appeals held that:

- City lacked power of extraterritorial eminent domain for purpose of constructing electric transmission lines, and
- Certification of issue to Idaho supreme court was not warranted.