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EMINENT DOMAIN - ARKANSAS

Giles v. Ozark Mountain Regional Public Water Authority of State

Supreme Court of Arkansas - April 17, 2014 - Not Reported in S.W.3d - 2014 Ark. 171

After property owners were awarded increased compensation for property at issue in Regional Public Water Authority's action for condemnation and declaration of taking of owners' property for construction of water-treatment in-take facility, owners filed motion for attorney fees. The Circuit Court denied motion. Owners appealed. The Court of Appeals affirmed. Owners petitioned for review, and petition was granted.

The Supreme Court of Arkansas held that statute allowing for attorney fees was inapplicable.

Supreme Court of Arkansas holds that statute allowing for attorney fees in certain eminent-domain cases did not apply to condemnation action in which property owners were awarded increased compensation for property at issue in Regional Public Water Authority's action for condemnation and declaration of taking, since Water Authority brought action pursuant to statutory provisions governing municipal corporations' power to condemn, under which attorney fees were not available.

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