

Bond Case Briefs

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EMINENT DOMAIN - ALASKA

Brewer v. State

Supreme Court of Alaska - November 28, 2014 - P.3d - 2014 WL 6712638

Landowners, whose property was intentionally set on fire by firefighters under direction of State Department of Forestry to deprive advancing wildfire of fuel, brought constitutional taking and tort claims against the State. The Superior Court entered judgment in favor of State, finding it was immune from tort claims and that action was valid exercise of police powers. Landowners appealed.

The Supreme Court of Alaska held that:

- State's action in conducting burnouts was exercise of police power, and thus damage was for a public use;
- Landowners' had no constitutional right to compensation if State's actions were justified by doctrine of necessity; and
- State was immune from tort claims.