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INVERSE CONDEMNATION - MISSOURI

Jacobson v. Metropolitan St. Louis Sewer Dist.

United States District Court, E.D. Missouri, Eastern Division - December 11, 2014 - Slip Copy - 2014 WL 7027881

An unrecorded storm water sewer was discovered on Plaintiff's property when a contractor hit and damaged it during the demolition of a house on neighboring property. When the Metropolitan St. Louis Sewer District (MSD) discovered the sewer, it disconnected the sewer and rerouted it away from the neighboring demolished property and directly through Plaintiffs' property.

Plaintiffs sued, alleging that MSD did not have an easement on Plaintiffs' property, and thus the existence of the sewer was a continuing trespass. Plaintiffs brought inverse condemnation, assault, slander, and negligence claims.

Upon review of Plaintiffs' petition, the Court finds that Plaintiffs have sufficiently stated a claim for inverse condemnation sounding in trespass.