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EMINENT DOMAIN - NORTH DAKOTA

Irwin v. City of Minot

Supreme Court of North Dakota - March 24, 2015 - N.W.2d - 2015 ND 60

Landowners brought action against City for inverse condemnation in connection with City's removal of clay and topsoil from their property to construct emergency dikes to combat river flood. The District Court entered summary judgment in favor of City. Landowners appealed.

The Supreme Court of North Dakota held that genuine issues of material fact existed as to whether imminent danger facing City gave rise to an actual necessity for City to take landowners' property and thus precluded summary judgment.

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