

# **Bond Case Briefs**

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## **EMINENT DOMAIN - NORTH CAROLINA**

### **Town of Matthews v. Wright**

**Court of Appeals of North Carolina - April 21, 2015 - S.E.2d - 2015 WL 1788729**

Town filed complaint against homeowners, seeking to condemn homeowners' private right-of-way that had been subject of years of litigation with town, which claimed that the right-of-way was a public street. The Superior Court held town's claim to homeowners' property by eminent domain was null and void. Town appealed.

The Court of Appeals held that:

- Homeowners had burden to show condemnation would serve no public use or benefit, and
- The condemnation would serve no public benefit.

No public benefit would be achieved from town's proposed condemnation of homeowner's land containing private right of way for purposes of opening the easement for access to neighbors, utilities, firefighters, and the community, where there was no evidence that homeowner blocked access to the easement, homeowner's portion of easement was not the sole private portion of an otherwise public street, condemnation of only homeowner's portion of easement would not open access to anything except homeowner's land, and personal conflicts between town and homeowners motivated town officials' decision to condemn.