

# **Bond Case Briefs**

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## **EMINENT DOMAIN - KENTUCKY**

### **Bluegrass Pipeline Company, LLC v. Kentuckians United to Restrain Eminent Domain, Inc.**

**Court of Appeals of Kentucky - May 22, 2015 - S.W.3d - 2015 WL 2437864**

Bluegrass Pipeline Company, LLC proposes a 24-inch pressurized underground pipeline for transporting natural gas liquids from the Marcellus and Utica shale formations in Pennsylvania, West Virginia, and Ohio, to the Gulf of Mexico.

The Circuit Court granted Kentuckians United to Restrain Eminent Domain, Inc.'s ("KURED") motion for summary judgment, issuing a declaratory judgment that Bluegrass did not have the right to invoke eminent domain. Bluegrass appealed.

The Court of Appeals held that:

- There existed a justiciable controversy because Bluegrass was claiming that it had the power to condemn property under eminent domain and was actively negotiating with landowners, and thus the matter was appropriate for declaratory judgment; and
- KURED possessed associational and citizen standing to bring declaratory judgment action.