

# **Bond Case Briefs**

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## **INVERSE CONDEMNATION - MISSOURI**

### **Metropolitan St. Louis Sewer District v. City of Bellefontaine Neighbors**

**Supreme Court of Missouri, en banc - January 12, 2016 - S.W.3d - 2016 WL 142767**

Sewer district sued city alleging inverse condemnation, trespass and negligence for damage to sewer lines allegedly caused in the course of a city street improvement project. The Circuit Court granted city's motion to dismiss for failure to state a claim. District appealed.

The Supreme Court of Missouri held that:

- As a matter of first impression, as another public entity, district was not entitled to sue city for inverse condemnation, and
- Sovereign immunity barred district's tort claims against city.

Missouri Constitution and Missouri statutes governing condemnation and inverse condemnation, providing for just compensation only for the taking of private property, did not entitle sewer district to sue city for inverse condemnation, for city's alleged damage done to sewer lines in the course of city street improvement project, where sewer district was seeking compensation for the unintentional taking of public property.

In the absence of an express statutory exception to sovereign immunity, or a recognized common law exception such as the proprietary function and consent exceptions, sovereign immunity is the rule and applies to all suits against public entities, including suits against them by another public entity.