

Bond Case Briefs

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EMINENT DOMAIN - MISSISSIPPI

High v. Kuhn

Supreme Court of Mississippi - March 17, 2016 - So.3d - 2016 WL 1062769

Landlocked property owner filed petition for establishment of private road over neighbor's property, for purposes of ingress and egress. The Special Court of Eminent Domain denied neighbor's motion to dismiss, and then granted petition. Neighbor appealed.

The Supreme Court of Mississippi held that:

- Statute authorizing establishment of private road over property of another, when necessary for ingress and egress, did not authorize landlocked property owner's condemnation of private road over neighbor's property that was within incorporated city;
- Neighbor did not waive claim that special court of eminent domain lacked authority to grant owner's petition for establishment of private road over neighbor's property that was located within incorporated city; and
- State constitutional provision authorizing condemnation of property to create rights of way for private roads where necessary for ingress and egress, "but such rights of way shall not be provided for in incorporated cities and towns" did not violate equal protection.