

Bond Case Briefs

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EMINENT DOMAIN - KENTUCKY

Hedgespeth v. Taylor County Fiscal Court

Supreme Court of Kentucky - May 5, 2016 - S.W.3d - 2016 WL 2609298

Landowner filed suit against the Taylor County Fiscal Court, alleging ownership of the land where bridge would be constructed, articulating actions to quiet title and for inverse condemnation, and seeking temporary injunction to prevent the construction of the new bridge.

The Taylor Circuit Court denied the request for a temporary injunction, and landowner sought interlocutory relief. The Court of Appeals ruled that the trial court did not abuse its discretion in denying landowner's request for a temporary injunction. Landowner filed motion for interlocutory relief.

The Supreme Court of Kentucky held that landowner was not entitled to temporary injunction to prevent the construction of the new bridge.

Landowner, who alleged ownership of the land where the new bridge would be constructed, was not entitled to temporary injunction to prevent the construction of the new bridge. Deeds and maps indicated that the road was public in nature as opposed to being landowner's private property, and thus, landowner did not have a substantial likelihood of prevailing on the underlying merits, public's need for continued use of the bridge and a safe replacement was not outweighed by landowner's desire to delay construction, and if entry of agents of the Taylor County Fiscal Court onto landowner's land was later found to be wrongful, landowner could seek redress for his injuries through a request for damages commensurate with the injury caused.