

# **Bond Case Briefs**

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## **EMINENT DOMAIN - NORTH CAROLINA**

### **Kirby v. North Carolina Department of Transportation**

**Supreme Court of North Carolina - June 10, 2016 - S.E.2d - 2016 WL 3221090**

Landowners brought action against Department of Transportation alleging takings without just compensation, including claim for inverse condemnation, related to Department's recording of highway corridor maps.

The Superior Court granted summary judgment to Department. Landowners appealed. The Court of Appeals reversed and remanded. Department filed petition for discretionary review, which was allowed.

The Supreme Court of North Carolina held that Department's use of Map Act to record highway corridor maps constituted use of power of eminent domain as opposed to exercise of police power.

Department of Transportation's use of Map Act to record highway transportation corridor maps constituted use of Department's power of eminent domain, as opposed to exercise of police power, and, thus, Department effectuated taking of fundamental property rights of landowners who owned property in area plotted by maps. Recording maps restricted landowners' rights to improve, develop, and subdivide their property for indefinite period of time.