

Bond Case Briefs

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EMINENT DOMAIN - MINNESOTA

Zweber v. Credit River Tp.

Supreme Court of Minnesota - July 27, 2016 - N.W.2d - 2016 WL 4051613

Property owner brought § 1983 civil rights action against county and township, alleging that they had deprived him of his property without just compensation and had violated his equal protection rights.

The District Court denied summary judgment motion filed by county and township, determining that it had subject matter jurisdiction over constitutional claims. County and township appealed. The Court of Appeals reversed. Property owner petitioned for review, which was granted.

The Supreme Court of Minnesota held that district court, rather than Court of Appeals, had subject matter jurisdiction over § 1983 claims stemming from zoning decision.

Neither claim required an examination into the validity of any quasi-judicial decisions made by a local governmental entity, and therefore district court, rather than the Court of Appeals, had subject-matter jurisdiction over a property owner's takings and equal-protection claims under § 1983 stemming from denial of property owner's application for re-subdivision of property. Takings claim contended that conditions placed on application were valid, but that they constituted regulatory taking, and equal protection claim sought money damages, rather than reversal or modification of decision of county and township.