

# **Bond Case Briefs**

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## **EMINENT DOMAIN - SOUTH DAKOTA**

### **Long v. State**

**Supreme Court of South Dakota - November 21, 2017 - N.W.2d - 2017 WL 5624239 - 2017 S.D. 78**

After landowners prevailed against the State in inverse condemnation action, the Circuit Court denied landowners' motion for attorney's fees and expenses. Landowners appealed.

The Supreme Court of South Dakota held - as matter of first impression - that the statute governing relocation benefits and assistance in acquisition of property does not authorize attorney's fees and expenses, although statute incorporates provisions of the Uniform Relocation Assistance and Real Property Acquisition Policies Act (URA), since compliance with the URA is permissive rather than mandatory, and statute's plain language does not authorize attorney's fees and expenses, since compliance with the URA is permissive rather than mandatory, and statute's plain language does not authorize attorney's fees and expenses