

Bond Case Briefs

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EMINENT DOMAIN - MISSISSIPPI

Tippah County v. LeRose

Supreme Court of Mississippi - October 3, 2019 - So.3d - 2019 WL 4872584

Landowners brought declaratory-judgment action against county, alleging that county's rescission of its decision to abandon public road, which ran through landowners' property, was void and seeking damages for county's taking of property without compensation.

The Circuit Court granted partial summary judgment in favor of landowners. County filed request for interlocutory review.

The Supreme Court held that:

- Landowners' constructive notice of regular public meeting of board did not provide adequate notice that board would rescind abandonment of public road at meeting, and thus landowners' right to due process was violated, and
- Circuit Court had subject-matter jurisdiction regarding inverse-condemnation claim.

Landowners' constructive notice of regular public meeting of county board of supervisors did not provide adequate notice that board would rescind abandonment of public road, which ran through landowners' property, and thus landowners' right to due process was violated, though no statute explicitly required notice of hearing to reconsider prior decision of board; landowners had vested property right at time of board's reconsideration at meeting, and landowners would have been necessary parties to a proceeding that reinstated county's easement over property.

Circuit Court had subject-matter jurisdiction in landowners' inverse-condemnation action against county, which attempted to rescind its abandonment of public road over landowners' property; Special Court of Eminent Domain did not have exclusive jurisdiction, and state constitution invested Circuit Court with original jurisdiction in all matters civil and criminal not vested by the constitution in some other court.