

Bond Case Briefs

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EMINENT DOMAIN - NORTH DAKOTA

City of West Fargo v. McAllister

Supreme Court of North Dakota - July 22, 2021 - N.W.2d - 2021 WL 3083466 - 2021 ND 136

City filed quick-take eminent domain proceeding to acquire right-of-way across landowner's property for a sewer improvement project.

The District Court entered a condemnation judgment and certified judgment as final. Landowner appealed.

The Supreme Court held that trial court abused its discretion by certifying judgment as final without any analysis.

Trial court abused its discretion by certifying condemnation judgment in quick-take eminent domain proceeding as final, where court provided no analysis of factors for a request for certification, and none of the parties, nor the court, demonstrated how the case was not a standard interlocutory appeal, even though both parties argued that the only issue left to be decided was condemnee's costs and disbursements.