
EMINENT DOMAIN - NORTH DAKOTA

Sauvageau v. Bailey

Supreme Court of North Dakota - April 28, 2022 - N.W.2d - 2022 WL 1260311 - 2022 ND 86

County Joint Water Resource District filed petition seeking to take landowners' property by quick take eminent domain for flood control easement.

The District Court denied landowners' motion to dismiss and landowners' motion for a preliminary injunction. Landowners filed petition for supervisory writ.

The Supreme Court held that district was acquiring more than flood control easement over landowners' property, and thus could not use quick take procedure.

County joint water resource district was acquiring more than flood control easement over landowners' property, and thus could not use quick take procedure to acquire the property interest, where district intended to close the public road, remove all structures from the property, engage in disturbance of the surface and subsurface, and inundate the property with water, and landowners would be left with only a reverter interest with no value.

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