
EMINENT DOMAIN - FEDERAL

ATS Ford Drive Investment, LLC v. United States

United States Court of Federal Claims - April 1, 2022 - Fed.Cl. - 2022 WL 986300

In rails-to-trails case, owners of real property adjacent to railroad corridor filed suit against United States, claiming Fifth Amendment taking by Surface Transportation Board's (STB) issuance of notice of interim trail use (NITU) authorizing conversion of railroad line into recreational trail pursuant to National Trail Systems Act, thus acquiring owners' property by inverse condemnation.

Parties cross-moved for summary judgment.

The Court of Federal Claims held that:

- Owners adjacent to corridor along public road lacked cognizable property interest;
- Owners adjacent to corridor acquired by railroad through court decision had cognizable property interest;
- Owners adjacent to corridor acquired by railroad via lost conveyance instruments had cognizable property interest;
- Owners adjacent to corridor acquired by railroad via warranty deed lacked cognizable property interest;
- Summary judgment was precluded as to property interest of owners adjacent to corridor acquired by railroad via quitclaim deed;
- Owners adjacent to corridor acquired by railroad via releases lacked cognizable property interest;
- Owners of parcels adjacent to street running parallel to corridor had cognizable property interest up to centerline of street; but
- Owners of parcels adjacent to street lacked cognizable property interest in other half of street.

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