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EMINENT DOMAIN - MICHIGAN

Barber v. Charter Township of Springfield, Michigan

United States Court of Appeals, Sixth Circuit - April 11, 2022 - 31 F.4th 382

Property owner filed state court action against township, county, and their parks and recreation departments alleging that their proposed removal of dam near her property amounted to unconstitutional taking and trespass.

Following removal, the United States District Court entered judgment on pleadings in defendants' favor, and owner appealed.

The Court of Appeals held that:

- Owner's claim for injunctive relief was ripe for adjudication, and
- Owner faced sufficiently concrete, particularized, and imminent injury-in-fact to establish her standing.

Property owner's claim for injunctive relief was ripe for adjudication in her action against county and township alleging that their proposed removal of dam near her property amounted to unconstitutional taking and trespass, even though dam had not yet been removed, where county and township had reached final decision to remove dam.

Property owner faced sufficiently concrete, particularized, and imminent injury-in-fact to establish her standing to assert claim that proposed removal of dam near her property by county and township amounted to unconstitutional taking and trespass, even though removal had not commenced; county and township had made final decision to remove dam and invested at least $600,000 into dam removal and restoration project, owner claimed that removing dam would change flow of water on her property and likely alter its configuration, and harms she faced were particular to her property.

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