

Bond Case Briefs

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EMINENT DOMAIN - NORTH CAROLINA

County of Moore v. Acres

Court of Appeals of North Carolina - July 5, 2022 - S.E.2d - 2022-NCCOA-446 - 2022 WL 2432952

County brought action against landowners, alleging that landowners had encroached on county's purported easement to access sewer and water mains on property by constructing fence and planting trees in easement area, and seeking injunctive and declaratory relief.

The Superior Court granted landowners' motion for summary judgment, and denied county's cross-motion for partial summary judgment on the issue of the county's ownership of the lines and easement. County appealed.

The Court of Appeals held that:

- Any inverse condemnation claim by landowners was untimely, and
- County held title to an easement along the surface of the property.

County held title to sewer and water mains under landowners' property, and thus held title to an easement along the surface of the property to service, maintain, and repair the utility mains, where county took possession of the lines more than two decades earlier and had continuously used and operated the lines for a public purpose.