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EMINENT DOMAIN - ILLINOIS

Willow Way, LLC v. Village of Lyons, Illinois

United States Court of Appeals, Seventh Circuit - October 5, 2023 - F.4th - 2023 WL 6474407

Former landowner brought § 1983 action against village alleging federal due process and takings claims, and a state-law inverse condemnation claim, arising from village's demolition of the property's dilapidated and empty house that was a public nuisance.

The United States District Court for the Northern District of Illinois granted summary judgment for village on federal claims and relinquished supplemental jurisdiction. Former landowner appealed.

The Court of Appeals held that:

- Demolition due to public nuisance did not violate substantive due process and was not a taking requiring just compensation;
- No procedural due process violation occurred; and
- The $75,000 jurisdictional minimum for diversity jurisdiction over state-law claim was not satisfied.

Village's demolition of a dilapidated and empty house that was a public nuisance did not violate landowner's substantive due process rights and did not require just compensation under takings clause.

No procedural due process violation occurred in connection with village's demolition of a dilapidated and empty house that was a public nuisance, where village published notice, posted notices on house, and mailed notice to landowner of the impending demolition, and landowner did not request a hearing or file suit in state court pursuant to statutory procedure to block demolition until a judge could decide whether house met statutory criteria for being razed.

The $86,000 difference in price that landowner paid to acquire property and the sales price for property at auction approximately five years later to satisfy village's lien for demolition expenses did not satisfy the $75,000 jurisdictional minimum for diversity jurisdiction for district court to exercise supplemental jurisdiction over landowner's state-law inverse condemnation claim after grant of summary judgment for village on landowner's federal takings and due process claims arising from village's demolition of the property's dilapidated and empty house, as a public nuisance, approximately four years after landowner acquired property; change in price over five years differed from injury caused by demolition of house, and value of property immediately before and after demolition was unknown.

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