

Bond Case Briefs

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EMINENT DOMAIN - NORTH DAKOTA

Sargent County Water Resource District v. Beck

Supreme Court of North Dakota - December 15, 2023 - 999 N.W.2d 175 - 2023 ND 230

County water resource district brought eminent domain action seeking to condemn landowners' property for a drainage project.

Following a bench trial, the District Court condemned property, denied landowners' motion for a new trial, but concluded that landowners' arguments were not foreclosed for failure to appeal water district's "Resolution of Necessity" or barred by res judicata or collateral estoppel.

Landowners appealed, and water district cross-appealed.

The Supreme Court held that:

- Applying doctrine of res judicata to bar any further review would have been unjust;
- Landowners' arguments against eminent domain were not barred by collateral estoppel;
- Water district's board obligated costs for drainage project beyond maximum maintenance levy and authorized accumulation of a fund exceeding six-year maximum levy without landowner approval, in violation of statute governing maintenance of drainage projects; and
- Project did not satisfy additional cost limitations for public use under statute authorizing eminent domain for certain public uses.