

Bond Case Briefs

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EMINENT DOMAIN - NEVADA

Mass Land Acquisition, LLC v. First Judicial District Court of in and for County of Storey

Supreme Court of Nevada - October 17, 2024 - P.3d - 2024 WL 4510338 - 140 Nev. Adv. Op. 67

Investor-owned public utility brought eminent domain action, seeking to acquire easement for natural gas pipeline as well as immediate occupancy.

The District Court denied landowner's motion to dismiss and granted utility's motion for immediate occupancy. Landowner petitioned for writ of mandamus or prohibition, and filed motion to stay, which the District Court denied.

The Supreme Court held that:

- Petition was not moot, although pipeline had been constructed;
- Nevada Constitution did not preclude investor-owned public utility from exercising its delegated power of eminent domain to take easement across property; and
- Landowner lacked any right to a jury trial on issue of whether the Nevada Constitution allows a privately owned public utility to take an easement across private land for a natural gas pipeline.

Landowner's petition for traditional writ relief and advisory mandamus to challenge investor-owned public utility's taking of gas pipeline easement by eminent domain and immediate occupancy was not moot, although pipeline had been constructed; issue presented an unsettled question of statewide importance that qualified for advisory mandamus, and landowner had potential remedies of ejectment or restoration and reversion.

Supreme Court would deny landowner's request that it grant writ relief from the district court's order denying landowner's motion for a stay of grant of immediate occupancy which was issued to investor-owned public utility in underlying eminent domain action in which utility acquired a natural gas pipeline easement over landowner's property; landowner's remedy was to seek a stay from the Supreme Court, which it waived when it withdrew its motion for a stay from the Supreme Court before it could be decided.