

Bond Case Briefs

Municipal Finance Law Since 1971

EMINENT DOMAIN - IOWA

Brendeland v. Iowa Department of Transportation

Supreme Court of Iowa - November 22, 2024 - N.W.3d - 2024 WL 4862386

Landowners brought action against Department of Transportation (DOT) to block condemnation of their property for project to reconstruct and modernize interchange between highway and freeway, alleging that DOT was acquiring property rights in excess of minimum required for project.

Landowners filed separate action seeking judicial review of DOT's denial of landowners' request for declaratory order that DOT was compelled to provide them with commercial access to highway.

Following consolidation of actions, the District Court granted DOT's motion to dismiss. Landowners appealed. The Supreme Court issued single-justice order requiring landowners to file statement addressing Supreme Court's jurisdiction over appeal and subsequently ordered the matter submitted with the appeal.

The Supreme Court held that:

- Landowners' filing of notice of appeal with clerk of district court 35 days after electronically filing notice of appeal with Supreme Court and serving copy of notice on counsel for DOT was performed within reasonable time;
- Landowners' claim that it was unnecessary and illegal for DOT to condemn all access rights was subject to requirement in statute requiring an action seeking judicial review of eminent-domain authority to be brought within 30 days after notice of assessment; and
- Discovery rule did not apply and thus did not toll 30-day filing period.