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EMINENT DOMAIN - MISSOURI

Becker v. City of Hillsboro, Missouri

United States Court of Appeals, Eighth Circuit - January 7, 2025 - F.4th - 2025 WL 38068

Owners of 176 acres of land annexed to city brought action in state court against city for inverse condemnation under federal and state constitutions and violations of their constitutional rights under § 1983, based on allegations that they had been deprived of any and all economical and productive use of the property as result of city ordinances requiring them to connect to city water services at their own cost.

Following removal, both sides moved for summary judgment. The United States District Court for the Eastern District of Missouri entered summary judgment for city. Landowners appealed.

The Court of Appeals held that:

- Ordinances did not mandate a permanent physical invasion of landowner's property and thus did not amount to a "taking" on that ground;
- Ordinances did not deprive landowners of all economically beneficial use of their property;
- Court would treat landowners' parcel as a single parcel, rather than eight subdivided lots, when applying the Penn Central regulatory taking test;
- Economic effect on the landowner prong of the Penn Central regulatory taking test weighed in favor of city;
- Interference with reasonable investment backed expectations prong of the Penn Central regulatory taking test weighed in favor of city; and
- Character of the governmental action prong of the Penn Central regulatory taking test weighed in favor of city.

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