

Bond Case Briefs

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EMINENT DOMAIN - NORTH DAKOTA

Short v. Billings County

United States Court of Appeals, Eighth Circuit - May 28, 2025 - F.4th - 2025 WL 1511037

Landowners brought action in diversity against county and members of county board of commissioners, asserting claims including breach of contract, promissory estoppel, and claims for declaratory judgment, arising from county's use of quick take eminent domain process to condemn their land for construction of river bridge despite parties' settlement agreement stating county would not condemn any of the property.

The United States District Court for the District of North Dakota granted landowners' motion for preliminary injunction, and county appealed.

The Court of Appeals held that district court abused its discretion in preliminarily enjoining county and its agents from entering landowners' property.

County's power of eminent domain was hallmark of sovereignty that could not be contracted away, and thus district court abused its discretion in preliminarily enjoining county and its agents from entering landowners' property during pendency of federal eminent domain case and parallel state proceeding based on county's alleged breach of settlement agreement with owners in which it agreed not to pursue any legal action to condemn their property in connection with bridge project.