

Bond Case Briefs

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EMINENT DOMAIN - NORTH CAROLINA

Sanders v. North Carolina Department of Transportation

Supreme Court of North Carolina - December 12, 2025 - S.E.2d - 2025 WL 3558992

Landowner brought inverse condemnation action against North Carolina Department of Transportation (NCDOT), seeking compensation for restrictions placed on landowner's property by NCDOT's recording of corridor maps pursuant to Roadway Corridor Official Map Act.

NCDOT moved to dismiss for failure to state a claim, and landowner moved for hearing under condemnation statute governing determination of issues other than damages.

The Superior Court granted NCDOT's motion to dismiss as to constitutional takings claims but allowed landowner to proceed with statutory claims related to portions of property that remained subject to Map Act restrictions after NCDOT took other portions of property in fee simple through prior direct condemnation actions.

NCDOT appealed and landowner cross-appealed. The Court of Appeals affirmed. Parties both petitioned for discretionary review, and petitions were allowed.

The Supreme Court held that landowner's failure to raise Map Act restrictions in prior direct condemnation action concerning other portions of tract precluded inverse condemnation claim.