

Bond Case Briefs

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EMINENT DOMAIN - MASSACHUSETTS

Town of Nahant v. Northeastern University

Supreme Judicial Court of Massachusetts, Essex - September 3, 2026 - N.E.3d - 2026 WL 2601699

Town filed condemnation petition, requesting authorization to take by eminent domain two conservation easements and an access easement over approximately 12 acres of private university's parcel, which would prohibit university from constructing new buildings in the areas and grant a public right of access to nearby public beach.

The Superior Court Department granted summary judgment for university, the Court authorized award of fees, and the Court entered judgment for university. Town appealed, and the Supreme Judicial Court granted its application for direct appellate review.

The Supreme Judicial Court held that:

- Town's stated purpose of taking easements to preserve the land for open space and conservation purposes constituted a valid "public purpose" for exercising the town's eminent domain authority;
- Taking was not in bad faith on the ground that the dominant reason for the taking was to block private university's building project;
- Taking was not invalid on grounds that it was intended to benefit private persons who funded and advocated for the town's efforts to use its eminent domain authority; and
- Taking was not invalid as against public policy.