

SUPREME COURT OF OKLAHOMA

Barnett v. Okay Public Works Authority

Barnett, 2022 OK 24 (Okla. 2022) · No. 117792 · Decided March 8, 2022

SUMMARY

The Oklahoma Supreme Court held that the Okay Public Works Authority possessed eminent-domain authority under 60 O.S. Supp. 2006, § 176(J), to install wastewater sewer lines as part of a public sanitary-system improvement project. The Court concluded that transporting, delivering, and treating wastewater falls within the statute’s authority concerning water for domestic purposes and that the project served a public use. The court vacated the Court of Civil Appeals’ opinion and affirmed the district court’s judgment awarding inverse-condemnation damages.

CASE DETAILS

COURT	Supreme Court of Oklahoma
WRITING FOR THE COURT	Winchester, J.; Darby, C.J.; Kane, V.C.J.; Kauger, J.; Edmondson, J.; Gurich, J.; Rowe, J.; Kuehn, J.
JURISDICTION	Oklahoma
DECIDED	March 8, 2022
DOCKET	117792
DISPOSITION	vacated
PROCEDURAL POSTURE	The Okay Public Works Authority appealed a jury verdict awarding Vicky Barnett \$73,350 in an inverse-condemnation action. The Court of Civil Appeals reversed, concluding that the Authority lacked eminent-domain power over the wastewater sewer-line project. The Supreme Court of Oklahoma granted certiorari.
STANDARD OF REVIEW	A motion for judgment notwithstanding the verdict is reviewed under the same standard as a directed-verdict motion: the court considers evidence and reasonable inferences favorable to the nonmoving party and grants the motion only when there is an entire absence of proof on a material issue. Statutory interpretation is reviewed de novo.
PRECEDENTIAL VALUE	Published Oklahoma Supreme Court opinion; precedential under Oklahoma law.
PARTIES	The Okay Public Works Authority v. Vicky Barnett, individually and doing business as River Valley Mobile Home Community

TOPICS

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether OPWA possessed statutory eminent-domain power over the installation of wastewater sewer lines on Barnett's mobile-home-community property.
2. Whether the sanitary-system improvement project was for public use.

HOLDINGS

1. Under 60 O.S. Supp. 2006, § 176(J), a public trust's eminent-domain authority to transport, deliver, treat, or furnish water for domestic purposes includes the authority to install wastewater sewer lines as part of a sanitary-system improvement project.
2. Installing wastewater sewer lines on the River Valley property as part of OPWA's sanitary-system improvement project was a public use because the project improved Okay's public utility system and served residents and other properties in the community.

KEY QUOTATIONS

“Transporting, delivering, treating, and furnishing of water for domestic purposes includes not only the furnishing of water to a household but the transportation of used water from the household to treatment plants.” (¶ 15)

“We hold that the installation of wastewater sewer lines on the River Valley premises as part of the sanitary system project was for public use--to improve the system that transports, delivers, treats, and furnishes water for Okay, Oklahoma.” (¶ 21)

FACTUAL BACKGROUND

Okay Public Works Authority, a public trust supplying utilities to the Town of Okay, undertook a publicly funded sanitary-system improvement project. The project included installing a sewer main and replacing or extending wastewater lines across River Valley Mobile Home Community, which Barnett owned, without obtaining permission or the required easement. The construction damaged the premises and caused drainage problems because the lines were improperly graded; the project also served other properties and the broader Okay sanitary system.

PROCEDURAL HISTORY

OPWA installed and relocated wastewater sewer lines across Barnett's mobile-home-community property without obtaining an easement or providing notice. A jury found an inverse condemnation and awarded Barnett \$73,350; the district court denied OPWA's motion for judgment notwithstanding the verdict or a new trial and

entered judgment, including granting OPWA an easement. The Court of Civil Appeals reversed. The Supreme Court vacated the Court of Civil Appeals' opinion and affirmed the district court's judgment.

DISPOSITION

vacated

CASES CITED

- First National Bank in Durant v. Honey Creek Entertainment Corp., 2002 OK 11, ¶ 8, 54 P.3d 100, 103
- Dominion Bank of Middle Tennessee v. Masterson, 1996 OK 99, ¶ 16, 928 P.2d 291, 294
- State ex rel. Protective Health Services State Department of Health v. Vaughn, 2009 OK 61, ¶ 9, 222 P.3d 1058, 1064
- State ex rel. Department of Transportation v. Post, 2005 OK 69, ¶ 7, 125 P.3d 1183, 1186
- Drabek v. City of Norman, 1996 OK 126, ¶ 4, 946 P.2d 658, 659
- In re Initiative Petition No. 397, 2014 OK 23, ¶ 9, 326 P.3d 496, 501
- Board of County Commissioners of Muskogee County v. Lowery, 2006 OK 31, ¶¶ 11-12 n.14, 136 P.3d 639, 647 & n.14
- Morton v. Okmulgee Producers & Manufacturers Gas Co., 1952 OK 314, ¶ 11, 248 P.2d 1028, 1029
- Tuttle v. Jefferson Power & Improvement Co., 1912 OK 232, ¶ 6, 122 P. 1102, 1103

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