

UNITED STATES COURT OF APPEALS FOR THE ELEVENTH CIRCUIT

Claire W. Anthony, et al. v. Franklin County and Willis "Bill" Collins, et al.

799 F.2d 681 (11th Cir. 1986) · No. No. 85-3672 · Decided September 15, 1986

SUMMARY

The Eleventh Circuit affirmed dismissal of property owners' claims arising from Franklin County's discontinuation of ferry service to Dog Island, Florida. The court held that the takings claim was premature because Florida provided an adequate inverse-condemnation remedy, and that ending publicly funded ferry service did not deprive the owners of access to their property or violate substantive due process or equal protection.

CASE DETAILS

COURT	United States Court of Appeals for the Eleventh Circuit
WRITING FOR THE COURT	Hill; Henderson; Brown
JURISDICTION	Federal
DECIDED	September 15, 1986
DOCKET	No. 85-3672
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from dismissal without prejudice of claims under 42 U.S.C. § 1983 and a pendent state inverse-condemnation claim.
STANDARD OF REVIEW	The court reviewed the dismissal of the federal constitutional claims and considered whether the complaint stated actionable constitutional deprivations; the adequacy of the state remedy was analyzed under Williamson County.
PRECEDENTIAL VALUE	published precedential Eleventh Circuit opinion
PARTIES	Claire W. Anthony, et al. v. Franklin County, Willis "Bill" Collins, et al.

TOPICS

- section 1983
- takings clause
- substantive due process
- equal protection
- appellate procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether appellants' federal takings claim was premature because Florida provided an adequate inverse-condemnation remedy.
2. Whether discontinuation of county-operated ferry service deprived appellants of a property interest in violation of substantive due process.
3. Whether the county's taxation and provision of public services violated equal protection.

HOLDINGS

1. A property owner may not bring a federal takings claim under 42 U.S.C. § 1983 until the owner has pursued available and adequate state procedures for obtaining just compensation and has been denied compensation.
2. Discontinuation of county-operated ferry service did not deprive appellants of a property interest or violate substantive due process because the county withdrew a publicly funded transportation benefit without obstructing physical access to the property.
3. Appellants failed to state an equal protection claim because they did not identify a county service made unavailable by the ferry's discontinuation, and the claim was substantively another version of their rejected takings and due process claims.

KEY QUOTATIONS

"This is not a case where the government inflicted harm, but merely one where a benefit, once conferred, has been withdrawn."

"The county's action did not deprive appellants of access to their property, only one means of availing themselves of the unobstructed access: county-provided ferry service."

FACTUAL BACKGROUND

Appellants owned property on Dog Island, Florida, which had been served by a publicly operated ferry beginning in 1953. Franklin County discontinued its county-operated ferry service in 1982 for economic reasons, although a limited passenger ferry continued to operate and the owners remained free to travel across the surrounding Gulf waters. Appellants alleged that the discontinuation impaired access, reduced rental income, subjected them to an irrational property-tax scheme, and constituted a taking and violations of substantive due process and equal protection.

PROCEDURAL HISTORY

Appellants sued Franklin County and county officials after the county discontinued public ferry service to Dog Island, alleging an unconstitutional taking, substantive due process violations, equal protection violations, and inverse condemnation. After discovery, appellants moved for partial summary judgment and the county filed a

cross-motion. The district court dismissed the case without prejudice on the ground that appellants had an adequate remedy under state law. The Eleventh Circuit affirmed.

DISPOSITION

affirmed

CASES CITED

- Williamson County Regional Planning Commission v. Hamilton Bank, 473 U.S. 172 (1985)
- Anhoco Corp. v. Dade County, 144 So. 2d 793 (Fla. 1962)
- Pinellas County v. Austin, 323 So. 2d 6 (Fla. Dist. Ct. App. 1975)
- Hearn v. City of Gainesville, 688 F.2d 1328 (11th Cir. 1982)
- Village of Belle Terre v. Boraas, 416 U.S. 1 (1974)
- Ellison v. Georgia Railroad Co., 87 Ga. 691, 13 S.E. 809 (1891)
- State v. Stubbs, 285 So. 2d 1 (Fla. 1973)
- City of Orlando v. Cullom, 400 So. 2d 513 (Fla. Dist. Ct. App. 1981), petition denied, 411 So. 2d 381 (Fla. 1981)
- Weissinger v. White, 733 F.2d 802 (11th Cir. 1984)
- Dowdell v. City of Apopka, Florida, 698 F.2d 1181 (11th Cir. 1983)
- Levy v. Parker, 346 F. Supp. 897 (E.D. La. 1972), aff'd, 411 U.S. 978 (1973)
- Wilmington Shipyard, Inc. v. North Carolina State Highway Commission, 6 N.C. App. 649, 171 S.E.2d 222 (1969)
- Fountain v. Metropolitan Atlanta Rapid Transit Authority, 678 F.2d 1038 (11th Cir. 1982)

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