

SUPREME COURT OF MISSOURI

Riverside-Quindaro Bend Levee District v. Intercontinental Engineering Manufacturing Corporation

Riverside-Quindaro Bend Levee District v. Intercontinental Engineering Manufacturing Corp., 121 S.W.3d 531 (Mo. banc 2003) · No. SC 85292 · Decided December 23, 2003

SUMMARY

The Supreme Court of Missouri dismissed an appeal by landowners challenging a levee district commissioners' assessment of benefits. The court held that Missouri Revised Statutes section 245.130.4 authorizes appeals only concerning compensation for appropriated property or damages to prejudicially affected property, not the propriety of benefit assessments. The court concluded that it lacked appellate jurisdiction, while noting that separate relief might be available.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                   |
|-----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | Supreme Court of Missouri                                                                                                                                                                                                                         |
| WRITING FOR THE COURT | Per Curiam                                                                                                                                                                                                                                        |
| JURISDICTION          | Missouri                                                                                                                                                                                                                                          |
| DECIDED               | December 23, 2003                                                                                                                                                                                                                                 |
| DOCKET                | SC 85292                                                                                                                                                                                                                                          |
| DISPOSITION           | dismissed                                                                                                                                                                                                                                         |
| PROCEDURAL POSTURE    | Landowners appealed the circuit court's judgment confirming commissioners' assessments of benefits and damages in a levee-district improvement proceeding. The Supreme Court of Missouri dismissed the appeal for lack of appellate jurisdiction. |
| STANDARD OF REVIEW    | The court independently examined its jurisdiction sua sponte and construed the governing statute de novo.                                                                                                                                         |
| PRECEDENTIAL VALUE    | Published en banc opinion of the Supreme Court of Missouri; precedential.                                                                                                                                                                         |
| PARTIES               | Intercontinental Engineering Manufacturing Corporation, et al. v. Riverside-Quindaro Bend Levee District                                                                                                                                          |

TOPICS

- appellate jurisdiction
- statutory interpretation
- appellate procedure
- civil procedure
- real estate

## PRACTICE AREAS

Appellate procedure

Statutory interpretation

Levee and drainage district proceedings

Real property

## QUESTIONS PRESENTED

1. Whether section 245.130.4, RSMo 2000, authorizes an appeal challenging the commissioners' assessment of benefits in a levee-district proceeding.
2. Whether the Supreme Court of Missouri had jurisdiction over the landowners' appeal.

## HOLDINGS

1. Section 245.130.4 authorizes appeals only concerning whether just compensation was allowed for property appropriated or whether proper damages were allowed for property prejudicially affected by the improvements; it does not authorize an appeal challenging the propriety of the commissioners' assessment of benefits.
2. The absence of a statutory right to appeal does not necessarily foreclose the landowners from seeking relief in a separate action.

## KEY QUOTATIONS

*“By its terms, section 245.130.4 provides only two instances in which an appeal is authorized: (1) compensation for property appropriated by the levee district; or (2) damages for property prejudicially affected by a levee district improvement.”* (121 S.W.3d at 533)

*“The appeal is dismissed for a lack of jurisdiction.”* (121 S.W.3d at 534)

## FACTUAL BACKGROUND

The Riverside-Quindaro Bend Levee District sought to implement district improvements requiring the acquisition of land, easements, rights-of-way, and other property interests. Court-appointed commissioners assessed the benefits and damages sustained by affected landowners, including the value of property taken and other damages. Several landowners challenged the assessments of benefits as excessive, but the circuit court confirmed the commissioners' report.

## PROCEDURAL HISTORY

The levee district petitioned the circuit court for approval of an improvement plan, boundary amendments, property acquisitions, and appointment of commissioners. After the commissioners assessed benefits and damages, several landowners filed exceptions asserting that the benefit assessments were excessive. The circuit court confirmed the commissioners' report, and the landowners appealed. The Supreme Court of Missouri dismissed the appeal because the governing statute did not authorize appellate review of benefit assessments.

## DISPOSITION

dismissed

## CASES CITED

- In re: Marriage of Werths, 33 S.W.3d 541, 542 (Mo. banc 2000)
- Farinella v. Croft, 922 S.W.2d 755, 756 (Mo. banc 1996)
- Lewis v. Gibbons, 80 S.W.3d 461, 465 (Mo. banc 2002)
- Harrison v. MFA Mut. Ins. Co., 607 S.W.2d 137, 146 (Mo. banc 1980)
- In re Yellow Creek Drainage Dist., 240 S.W. 203, 206 (Mo. 1922)
- J.A. Bruening Co. v. Liberty Landing Levee Dist., 475 S.W.2d 125, 126 (Mo. 1972)
- In re Tri-County Levee Dist., 42 S.W.3d 779 (Mo. App. 2001)
- In re Fabius River Drainage Dist., 35 S.W.3d 473 (Mo. App. 2000)
- N. Kansas City Levee Dist. v. Hillside Secs. Co., 268 Mo. 654, 187 S.W. 852 (1916)
- Birmingham Drainage Dist. v. Chicago, B. & Q.R. Co., 274 Mo. 140, 202 S.W. 404, 406 (1917)
- Labaddie Bottoms River Protection Dist. of Franklin County v. Randall, 348 Mo. 867, 156 S.W.2d 713 (1941)
- Peatman v. Worthington Drainage Dist., 238 Mo. App. 64, 176 S.W.2d 539 (1943)
- State ex rel. Bates v. Mackin, 200 Mo. App. 422, 208 S.W. 638 (1918)