

SUPREME COURT OF IOWA

In the Matter of the Condemnation of Certain Rights in Land for the Construction of a County Road by Allamakee County, Iowa; Richard H. Wild et al. v. Allamakee County

666 N.W.2d 137 (Iowa 2003) · No. No. 02-0393 · Decided July 16, 2003

SUMMARY

The Supreme Court of Iowa affirmed summary judgment for Allamakee County in an action seeking to enjoin the condemnation of land within an agricultural area. The court held that Iowa Code chapter 352's agricultural-area restrictions functioned like zoning regulations and did not limit the county's eminent-domain authority, and that Iowa Code section 6B.3(1)(f) did not apply because the damages were payable by the county rather than the state. The court also held that the county's determination of necessity for relocating the road was not subject to judicial second-guessing on the undisputed facts.

CASE DETAILS

COURT	Supreme Court of Iowa
WRITING FOR THE COURT	Carter, Justice
JURISDICTION	Iowa
DECIDED	July 16, 2003
DOCKET	No. 02-0393
DISPOSITION	affirmed
PROCEDURAL POSTURE	Property owners appealed the district court's grant of summary judgment denying their request to enjoin Allamakee County's eminent-domain taking of land within an agricultural area.
STANDARD OF REVIEW	Summary judgment is reviewed to determine whether the undisputed facts show that the moving party is entitled to judgment as a matter of law. The availability of injunctive relief involves equitable balancing of interests.
PRECEDENTIAL VALUE	published Iowa Supreme Court opinion
PARTIES	Richard H. Wild, Randy L. Wild, Robert B. Wild, Donald G. Kermeen, Lillian Kermeen, Evelyn Wild, Dale Buntrock v. Allamakee County

TOPICS

eminent domain

municipal law

statutory interpretation

appellate procedure

equitable relief

PRACTICE AREAS

eminent domain

municipal law

land use

appellate procedure

equitable remedies

QUESTIONS PRESENTED

1. Whether the property owners were required to establish irreparable injury to obtain an injunction challenging the eminent-domain taking.
2. Whether Iowa Code section 352.6, which limits land uses within designated agricultural areas, precluded Allamakee County from taking property in the area by eminent domain.
3. Whether Iowa Code section 6B.3(1)(f) required the County to establish that class I or class II agricultural land was reasonably necessary for the improvement for which condemnation was sought.
4. Whether the property owners could obtain judicial review of the County's determination that the road relocation was necessary.

HOLDINGS

1. The availability of compensation does not categorically establish that a property owner lacks irreparable injury when the owner seeks to prevent an allegedly unlawful taking of unique real property. An injunction may be used to challenge the legality of an eminent-domain proceeding.
2. Iowa Code section 352.6 limits the uses that owners may make of land within an agricultural area but does not restrict the power of eminent domain. The County's taking was not contrary to Iowa Code chapter 352.
3. Iowa Code section 6B.3(1)(f) applies only when the damages for the condemnation are to be paid by the State. Because this condemnation was brought by the County and damages were payable from county funds, the statute did not apply.
4. Courts may not substitute their judgment for the determination of necessity made by a public body authorized by law to exercise eminent-domain power, absent a showing that the taking violates applicable legal limits or procedures.

KEY QUOTATIONS

“We are satisfied that because land is unique the taking of real property with which the owner does not wish to part is a matter of substantial damage.” (139)

“For that reason, we agree with the district court that the statute provides a type of self-imposed zoning.” (140)

“Consequently, on the undisputed facts, plaintiffs were not entitled to enjoin the taking of their land, and summary judgment was properly granted against them.” (142)

FACTUAL BACKGROUND

Allamakee County sought to condemn 19.12 acres of land to relocate a county road so it would align with a newly constructed bridge. The land was located within an agricultural area formed under Iowa Code section 352.6, and some of the property was allegedly class I or class II land under the United States Department of Agriculture land-capability classification system. The compensation commission awarded \$101,000 for the taking and \$720 in attorney fees, with the damages payable entirely from county funds.

PROCEDURAL HISTORY

Allamakee County initiated an eminent-domain proceeding on April 6, 2001, to obtain 19.12 acres for relocation of a county road. The property owners filed an action seeking injunctive relief on May 15, 2001. The district court granted the County's motion for summary judgment, concluding that Iowa Code chapter 352 did not bar the taking and that compensation provided an adequate remedy. The Supreme Court of Iowa affirmed, though it rejected the district court's conclusion that the owners lacked an injury sufficient to support injunctive relief.

DISPOSITION

affirmed

CASES CITED

- Myers v. Caple, 258 N.W.2d 301, 304-05 (Iowa 1977)
- Thornberry v. State Bd. of Regents, 186 N.W.2d 154, 157 (Iowa 1971)
- Batcheller v. Iowa State Highway Commission, 251 Iowa 364, 370-71, 101 N.W.2d 30, 34 (1960)
- Savannah v. Collins, 211 Ga. 191, 84 S.E.2d 454, 455 (1954)
- Indianapolis Power & Light Co. v. Barnard, 175 Ind. App. 308, 371 N.E.2d 408, 412 (1978)
- State v. Kopp, 330 S.W.2d 882, 888 (Mo. 1960)
- Witzel v. Village of Brainard, 208 Neb. 231, 302 N.W.2d 723, 725 (1981)
- Seward County Bd. of Comm'rs v. City of Seward, 196 Neb. 266, 242 N.W.2d 849, 852 (1976)
- Harvey v. Iowa State Highway Comm'n, 256 Iowa 1229, 1232, 130 N.W.2d 725, 727 (1965)
- Ermels v. City of Webster City, 246 Iowa 1305, 1307, 71 N.W.2d 911, 912 (1955)
- Mook v. City of Sioux City, 244 Iowa 1124, 1137-38, 60 N.W.2d 92, 99 (1953)