

LANDOWNERS FILE LAWSUIT AGAINST FEDERAL GOVERNMENT SEEKING COMPENSATION FOR PROPERTY TAKEN FOR THE GREAT REDWOOD TRAIL

Categories: News



MendoFever Staff 1 Day Ago

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The following is a press release issued by True North Law Group:



The Eel River Canyon Preserve, one of the key landscapes the Great Redwood Trail would navigate [Picture from the Wildlands Conservancy]

One of the nations' leading attorneys and law firms in constitutional law and property rights filed a lawsuit on behalf of landowners whose property the federal government took for the Great Redwood Trail. The lawsuit was filed in the United States Court of Federal Claims in Washington DC. The lawsuit is available at truenorthlawgroup.com.

The complaint provides an extensively-researched history of the land the federal government took for the Great Redwood Trail and the history of the abandoned railroad corridor. The complaint also summarizes the established precedent including the U.S. Supreme Court decisions holding the federal government must pay these landowners.

Thor Hearne of the True North Law Firm is the lead attorney representing the landowners bringing this lawsuit. Hearne explained, "On October 24th the federal government took private property from the owners of land along the 175-mile-long Great Redwood Trail through Mendocino, Humboldt, and Trinity Counties. The Fifth Amendment to the U.S. Constitution absolutely requires the government to pay landowners when it takes private property." The easement for the railroad right-of-way and the railway line was abandoned, the original railroad easement terminated, and the present-day owners hold title to the land. The federal government, however, created a new easement for the Great Redwood Trail across these owners' land, mostly along the Eel River. The federal Trails Act authorized the Surface Transportation Board to issue an order taking these owners' land for the Great Redwood Trail, which is a new public rail-trail corridor."

These private landowners are owed compensation for the property the federal government took from them. The landowners have serious concerns about the public access to their adjoining property. In past cases, the courts have found that the creation of public recreational trail corridors increases crime and trespass to the owners' adjoining land, requiring the owner to build fences and implement other measures to protect their property and privacy. Other owners have lost the right of access to their property, rendering some or all of their property inaccessible. Hearne said, "The federal government must pay these owners for this taking of their property and the damage to their remaining property."

Thor Hearne has successfully represented thousands of landowners for more than thirty years in property rights litigation against the federal government. Hearne is the most experienced property rights attorney in Trails Act litigation, having argued and won many of the leading Trails Act cases before the Court of Federal Claims and the U.S. Court of Appeals for the Federal Circuit, establishing the precedent governing this area of the law. Hearne has also successfully represented landowners in trials of Trails Act cases, vindicating the landowners' right to be justly compensated millions of dollars. Hearne has also argued constitutional and property rights cases before the U.S. Supreme Court and the Supreme Courts of Florida, Missouri, Kansas, and Michigan and the U.S. Courts of Appeal for the Federal Circuit, Eleventh Circuit, Eighth Circuit, Sixth Circuit, and Fourth Circuit. Hearne was elected a member of the Owners Counsel of America as the attorney representing property owners in Washington DC.

The Lawsuit in its Entirety

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

JOHN A. and SUZANNE D. AGOSTA,)
)
JOHN E. and JULIA P. BEACH, JERRY BEACH,)
MATTHEW and ELIZABETH MCHALE, and)
ROBYN REED,)
)
BEN and JAMIE COHOON,)
)
DIANE COLYEAR READE, as Trustee of the Diane)
Colyear Reade Family Trust, dated November 4, 1991,)
)
ROBERT M. DAVIS and KIRK ALLEN PELARDE,)
)
SHIRLEY L. HINDS,)
)
DONALD A. and ANNETTE K. LOZENSKY,)
TRUSTEES,)
)
BARBARA A. MCCULLOCH,)
)
GENE C. and DOROTHY L. ROEDIGER, as Trustees)
of the Roediger Family Trust, dated May 12, 2004,)
)
FREEMAN D. and PAMELA K. RUTLEDGE, as)
Trustees of the Rutledge Family 2020 Trust, dated)
November 13, 2020,)
)
MICHAEL J. SANDERS,)
)
EDWARD J. and ERLYNE SCHMIDBAUER, as)
Trustees of the Edward and Erylne Schmidbauer Trust,)
dated March 25, 1998,)
)
MELANIE ULVILA,)
)
PAUL O. WEBB,)
)
BRYAN WHEELESS, and)
)
FORREST C. and PATRICIA A. WILLIS)
)
Plaintiffs,)
v.)

No. 22-1756 L