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Takings Claims Reinstated in Florida Rails-to-Trails Conversion

By Peter Hayes Feb 20, 2020

- Florida East Coast Railway abandoned Dade County line in 2016
- Onus on government to prove non-ownership

The owners of land adjacent to a former railroad line converted to a hiking trail under the rails-to-trails program will have another chance to pursue takings claims after the Federal Circuit said the government failed to prove that the landowners didn't own the property beneath the rail line.

A Florida-law doctrine known as the "centerline presumption," requires that the claims be reinstated, the U.S. Court of Appeals for the Federal Circuit said Thursday.

The doctrine provides that when a road or other corridor forms the boundary of a property, the landowner is presumed to own the land beneath and up to the corridor's centerline.

The trial court was wrong to say that the landowners failed to prove that the parties from whom they acquired the properties owned the land underlying the railroad right-of-way. The burden was instead on the government to show that the landowners didn't own the land to the centerline of the railroad corridor, the court said.

Florida courts have applied the centerline presumption to highways, streets, canals, and nonnavigable streams.

Florida East Coast Railway Co. in 1924 obtained a 1.2-mile-long right-of-way easement in Dade County and began operating the line in 1932.

Between March 1977 and July 2016, Reinaldo Castillo, Nelson Menendez, and others acquired, by deed, title to parcels of land adjacent to the rail line. The deeds didn't specify the precise boundaries but used lot numbers.

The railway in January 2016 filed a letter with the federal Surface Transportation Board, requesting to abandon the rail line.

The STB, in November 2016, issued a Notice of Interim Trail Use or Abandonment that states, "use of the right-of-way for trail purposes is subject to possible future reconstruction and reactivation of the right-of-way for rail service."

The Fifth Amendment requires "just compensation" for an owner when the government takes their property. The property owners are seeking full fair-market value of the property.

Judge Richard G. Taranto wrote the opinion, joined by Evan J. Wallach and Raymond T. Chen.

Arent Fox LLP, Lewis Rice LLC and True North Law Group LLC represent the plaintiffs.

The case is [Castillo v. United States](#), Fed. Cir., No. 19-01158, 2/20/20.

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General Information

Court

Court of Appeals, Federal Circuit

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