

Victory For Illinois Landowners in the United States Court of Appeals For the Federal Circuit

PEORIA, ILLINOIS, UNITED STATES OF AMERICA, January 4, 2024
/EINPresswire.com/ -- [Stewart, Wald & Smith, LLC](#), a leading rails-to-trails law firm, announced a significant legal triumph for landowners in Peoria County, Illinois. The United States Court of Appeals for the Federal Circuit has ruled in favor of 116 landowners, overturning the trial court's decision in *Barlow, et. al. v. United States*, Case No. 1:13-cv-00396. The United States Court of Appeals [opinion was issued on November 22, 2023, Case No. 22-1381](#).

The logo for Stewart, Wald & Smith, LLC. The text "stewart", "wald", and "smith" is in a dark blue, lowercase serif font. The ampersand "&" is in a gold color. "LLC" is in a smaller, dark blue, uppercase sans-serif font to the right of "smith".

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The appeal originated from a rails-to-trails conversion known as the proposed Hanna City Trail. In 2013, landowners along the abandoned railroad corridor sued the federal government in the United States Court of Federal Claims, seeking compensation for a taking of land arising from the implementation of the [National Trails System Act \("Trails Act"\)](#). The landowners argued that the various instruments originally conveying the land to the railroad for its right-of-way granted mere easements, and therefore the landowners held a reversionary interest to the land within the railroad right-of-way. The federal government argued the instruments conveyed full fee simple rights, and therefore the landowners did not have a reversionary interest in the land within the railroad right-of-way. The Court of Federal Claims agreed with the government and ruled the landowners failed to establish that the government was liable for a taking.

Following the decision, attorneys Michael J. Smith, Reed W. Ripley, and Steven M. Wald of Stewart, Wald & Smith appealed the ruling to the U.S. Court of Appeals for the Federal Circuit. The attorneys argued that that the instruments conveyed easements to the railroad and not fee simple ownership. After various briefs in support, an oral argument by attorney Michael J. Smith,

and almost 2 years of additional litigation, the appeals court ruled in favor of the Illinois landowners. Stewart, Wald & Smith is proud to report a victory for the 116 clients who have been litigating this matter for over a decade.

While the ruling is cause for celebration, Stewart, Wald & Smith acknowledges that there is still work to be done.

About Stewart, Wald & Smith: Stewart, Wald & Smith is a leading law firm in rails-to-trails litigation. The firm ensures the rights of landowners are protected in the complex taking of land in rail-trail conversions across the country. For more information, visit www.swslegal.com.

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