

Landowners Along Nickel Plate Trail Receive Monetary Compensation After 5 Years of Litigation

INDIANAPOLIS, INDIANA, UNITED STATES OF AMERICA, May 21, 2024 /EINPresswire.com/ -- [Stewart, Wald & Smith](#), a Missouri firm focusing on Rails-to-Trails litigation, recovered over \$7.6 Million from the federal government on behalf of 168 landowners along 20.87-miles of abandoned railroad line in Marion County and Hamilton County, Indiana, known as the [Nickel Plate Trail](#).

The landowners who owned land along the 20.87-mile stretch of the Norfolk and Western abandoned railway spanning from just south of East 16th Street in Indianapolis to just west of the White River in Noblesville, Indiana

have finally received compensation from the federal government after more than 5 years of litigation in the U.S. Court of Federal Claims. Additionally, 175 other landowners continue to pursue similar claims against the federal government in multiple cases brought by Stewart, Wald & Smith on their behalf.

Prior to litigation, the City of Indianapolis, City of Fishers, City of Noblesville, and Hamilton County petitioned the STB to allow for railbanking of the Norfolk and Western Railway corridor. By the summer of 2018 the entities had filed Trail Use Requests with the STB, which ultimately resulted in the December 21, 2018, Notice of Interim Trail Use Decision ("NITU") issued by the STB. The [Trails Act](#) permits the conversion of abandoned railroad corridors into nature and hiking trails, which simultaneously preserves the right of way for possible future railroad use, a federal process known as railbanking. The process prevents the land burdened by the railroad easement from reverting to the adjoining landowners, and gives the trail sponsors, in this case the City of Indianapolis, City of Fishers, City of Noblesville and Hamilton County, a new easement, thereby blocking the rights of the landowners to regain their property from within the corridor.

The logo for Stewart, Wald & Smith LLC, featuring the words "stewart", "wald &", and "smith" in a dark blue serif font, with "LLC" in a smaller, dark blue sans-serif font to the right. The ampersand is a light olive green color.

Rails to Trails Law Firm - Stewart, Wald & Smith

Stewart, Wald & Smith filed the original lawsuit in the United States Court of Federal Claims on December 26, 2018, entitled Robert R. Pressly, et. al. v. United States, Case No. 18-1964L. On September 10, 2019, the firm filed a subsequent lawsuit adding more landowners who wished to file their claims for compensation. This suit, also filed in the United States Court of Federal Claims, was entitled Laford Jones, et. al. v. United States, Case No. 19-1375L. The court ultimately consolidated both cases and the firm proceeded to negotiate a settlement for 168 landowners. While Stewart, Wald & Smith represents hundreds of landowners in Pressly and other cases, there are still more than a hundred other landowners who have not yet filed suit but may. They have until December 21, 2024 to file their claims based upon the applicable 6-year statute of limitations, or they will forever be barred from receiving monetary compensation.

Attorney Steven M. Wald notes: "We are pleased that our clients' property rights in the former railroad corridor, which were used to build the Nickel Plate trail, were ultimately recognized, and that compensation was paid to them by the federal government for taking their land. When the federal government approved this rails-to-trails conversion, they didn't tell the landowners that they took their land, and so we had to bring them into court and prove both that our clients owned the land and the market value of that land. It has been a long fight, and our clients have been very patient, but individuals' property rights are very important, and it is satisfying to see them vindicated despite resistance from the federal government."

Stewart, Wald & Smith is a law firm with locations in Saint Louis and Kansas City, Missouri. Their national practice focuses on representing landowners in rail-trail conversions across the nation.

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