

Sewer Overflow/Takings Claim: Fulton County, Arkansas Circuit Court Action Filed Against Mammoth Springs



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Edwin and Kristin Roeder (collectively, "Roeders") filed a July 22nd Complaint against the City of Mammoth Springs, Arkansas in the Circuit Court of Fulton County, Arkansas pursuing a damage claim.

The Complaint alleges that a Mammoth Springs sewer overflow constituted a taking of their property.

The Roeders are stated to be owners of property in Mammoth Springs, Arkansas. They allege that on March 13th there was sewer water standing throughout much of their house. Photographs of the damage are stated to have been sent to both their insurance company and the City.

Mammoth Springs workers are stated to have determined that there was a sewer pressure surge in the sewage system. Such surge is alleged to have resulted in an overflow of sewage water inside the Roeders' residence.

Mammoth Springs is stated to have replaced the damaged sewer lines and determined that the source of the pressure surge originated outside of the Roeder property.

The Complaint alleges that the Roeder property was substantially damaged by the sewer overflow. Such damage is alleged to have included:

- Air conditioning system.
- Heating system.
- Floors and walls.

The Roeders' insurance company is stated to have denied the claim because upon the facts of the loss:

...it has been determined that your damage was caused by a problem with the sewer system which allowed sewage to back into the home through the plumbing system.

The Roeders are alleged to have been informed by Mammoth Springs that the City would not be paying for the damage to their property.

The Complaint's Counts include:

- Improper taking (citing Article 2 § 22 of the Arkansas Constitution).
- Reduction in value of the property constituting a taking.

The Roeders are therefore alleged to be owed "just compensation" for the damage done to their property resulting from the public use sewer system.

Damages alleged in the Complaint included:

- Cost to remove waste and remove any material that had been damaged by the sewer water.
- Rent of an alternative residence.
- Projected costs for the labor to make required repairs to the property.
- Materials for repairs including air duct cleaning; installation of a new heat and air conditioning unit and electric bills for the month associated with the repairs.

A copy of the Complaint can be downloaded [here](#).