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Inverse Condemnation/Nuisance: Benton Apartment Complex Owner Files Federal District Court Judicial Action Against Benton/Bryant/Saline County

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Benton Housing Associates Limited Partnership (“Benton Housing”) filed on August 9th in the United States District Court for the District of Arkansas (Central Division) a Complaint against the following defendants:

- City of Benton, Arkansas.
- City of Bryant, Arkansas.
- Saline County, Arkansas.
- John Does 1-10.

See Case No. 4:24-cv-679-BSM.

The Complaint alleges work undertaken on what is referred to as the “Alcoa Road Project” has adversely affected a Benton housing apartment complex because of increased surface water runoff.

Benton Housing states that it is the owner and manager of the Revive Benton Apartments Complex on Alcoa Road in Benton, Arkansas (“Complex”). In describing the Alcoa Road Project (“ARP”) activities referenced included.

...Grading, cutting, filling, removing, and designing the Alcoa Road and its related drainage facilities in a way that substantially increased water runoff directly onto the apartment Complex.

Additional activities alleged impacting the Complex include:

1. Contain no structures for detention or attenuation of water runoff.
2. Altered the natural wide and diffuse water flow over heavily vegetated and stabilized ground.
3. Greatly increased the water runoff amount and velocity by increasing the impervious area with concrete, asphalt, and buildings.
4. Accelerated the water flow.
5. Concentrated the runoff onto the Complex.

Such activities are alleged to have caused flooding events which caused damaged to real and personal property at the Complex.

The Complaint alleges the following claims for relief:

- Inverse condemnation/unconstitutional taking.
- Violation of due process.
- Strict liability.
- Nuisance.

The Complaint requests relief that includes:

- Just compensation for the alleged unconstitutional taking of the Complex property.
- Award of actual damages.
- Award of punitive damages.
- Permanent injunction requiring the defendants to cease and desist from any future maintenance of the nuisance and compelling them to abate the conditions creating and/or contributing to the ongoing nuisance affecting the Complex.
- Award of attorney fees and costs.

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