Stormwater Flow/Adjacent Properties: Complaint for Injunctive/Emergency Relief Filed in Garland County, Arkansas, Circuit Court

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A Complaint in Equity for Injunctive Relief and for Emergency Relief ("Complaint") was filed on January 26th in the Circuit Court of Garland County, Arkansas, (Civil Division) addressing stormwater flow between two adjacent Garland County properties. See Case No.: 26CV-2022-_____ DIV.____.

The Complaint alleges that actions by one of the adjacent property owners, through the erection of a wall/concrete dam, has stopped the natural flow of water causing flooding.

The Harry & Jean Childs Trust ("Plaintiff") filed the Complaint against Donald Roberts d/b/a Roberts Brothers Parking, LLC ("Defendant") alleging that:

- Plaintiff's property is located in higher geography in certain parts relative to Defendant's property
- Stormwater after a rain would quickly dissipate and Plaintiff's property has not been prone to flooding
- Defendant constructed a wall/concrete dam on its property whose purpose is stated to be for stopping stormwater flow
- Plaintiff's property is stated to have begun flooding upon any rain because the wall/concrete dam stopped the natural flow of water
- The change to stormwater drainage on Plaintiff's property has resulted in "swamp like conditions on its property with water not dissipating and creating a wetland . . . "

Causes of action referenced in Plaintiff's Complaint include:

- Trespass
- Nuisance
- Wrongful taking of property by redistribution of water

Relief requested includes:

- Temporary retraining order (requesting that Defendant be prevented from continuing construction on the dam)
- Permanent/mandatory injunction requesting that Defendant:
- Be enjoined from making any alterations to Defendant's property that changes the natural flow of water
- Be required to remove the concrete structures Defendant has erected that interfere with the natural flow of stormwater

- Damages (referencing alleged damages incurred by Plaintiff as a result of Defendant's actions)

A copy of the Complaint can be downloaded here.