# Adjacent Properties/Flood Damage Action: Arkansas Supreme Court Addresses Jurisdictional Question

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The Supreme Court of Arkansas ("Court") issued a November 13, 2025 Opinion addressing a question involving the jurisdiction of circuit courts and county courts. *See David Scott Taylor v. Rick Ferguson*, 2025 Ark. 180.

The question arose in a common law action claim filed in circuit court involving alleged flooding caused by an adjacent property owner.

David Scott Taylor ("Plaintiff") filed a claim in an Arkansas circuit court alleging that a neighboring property development by Rick Ferguson ("Defendant") was causing flooding on his property. The Plaintiff asserted that Ferguson's Paradise Valley Pulaski County subdivision development, was expected to have 400 homes when completed. Further, the development was alleged to be causing flooding on his property during rainfall.

The Plaintiff requested that the Defendant take "reasonable steps to avoid substantial harm caused by increased runoff… during storm events" and also sought monetary damages.

The original complaint in Pulaski County Court asserted the following causes of action:

- Negligence.
- Trespass.
- Private nuisance.
- Public nuisance.

The Defendant moved to dismiss the complaint for lack of subject-matter jurisdiction, citing Article 7, Section 28 of the Arkansas Constitution. Article 7, Section 28 assigns cases that involve "county roads, internal improvements, or local concerns" to county courts. The Defendant argued that the flooding claim needed to first be considered by the Pulaski County Court before being heard in a state circuit court because the flooding related to "county roads" and was "necessary to local concerns."

The Supreme Court of Arkansas was asked to decide whether the Plaintiff needed to first pursue his claim in county court before going to circuit court. The Court held that the flooding claim was not sufficiently related to "county roads" or "local concerns."

First, the Court found that the flooding dispute did not concern county roads. It reasoned that county courts only have exclusive original jurisdiction in cases where a county road itself was central to the litigated matter. The Court determined that water running under a county road was not central enough to

provide exclusive original jurisdiction. Further, the Plaintiff did not allege any harm to his property caused by a county road and did not request any changes to the county road. Therefore, the Court found that the roads were not "central to the dispute" and therefore not a matter relating to county roads.

Second, the Court found that the flooding dispute was not "necessary to local concerns." The Court stressed that the phrase refers only to "things within the county's control." The Defendant argued that because the county regulates roadway and floodplain development, that the flooding is therefore a "local concern." The Court disagreed. The Court reasoned that the complaint did not require any county action and therefore was not within the county's control, meaning that the dispute was not a local county concern.

Because the complaint was not related to county roads or local concerns, the Court held that Article 7, Section 28 of the Arkansas Constitution did not apply. As a result, the county court did not have exclusive jurisdiction over the flooding dispute. Therefore, Arkansas circuit courts have subject-matter jurisdiction, and the case was remanded to the circuit court for further proceedings.

A copy of the Opinion can be found here.