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ZONING AND DEVELOPMENT - IDAHO

Hehr v. City of Mc Call

Supreme Court of Idaho, Boise, May 2013 Term - July 11, 2013 - P.3d - 2013 WL 3466895

Developer brought action against city for inverse condemnation alleging that the conveyance of lots to city in lieu of paying the required community housing fee, which was later declared unconstitutional in a separate proceeding, and the improvements made to those lots constituted an illegal taking.

The Supreme Court of Idaho held that:

- Developer's inverse condemnation claim against city to recover the cost of constructing improvements for the nine lots conveyed to city for community housing was encompassed in its claim to recover the value of those lots;
- Developer's state law takings claim was barred due to developer's failure to present a timely notice of claim to city;
- City never reached a final decision regarding the application of the ordinance to the property at issue as required for federal takings claim;
- Developer forfeited its federal takings claim against city; and
- City was not entitled to attorney fees.

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