

Bond Case Briefs

Municipal Finance Law Since 1971

INVERSE CONDEMNATION - NEW MEXICO

Moongate Water Co., Inc. v. City of Las Cruces

Court of Appeals of New Mexico - April 17, 2014 - P.3d - 2014 WL 1600574

Moongate Water Company, Inc. appealed the district court's order awarding costs to the City of Las Cruces as the prevailing party in an inverse condemnation action brought by Moongate.

The sole question on appeal was whether the Eminent Domain Code [NMSA 1978, § 42A-1-1](#) to -33 permitted costs to be taxed against a property owner who exercises the constitutional or statutory right to seek just compensation for a taking of private property.

The court concluded that, "We see nothing unique or particularly novel in awarding costs to a prevailing party in an inverse condemnation proceeding, and we read Section 42A-1-29 of the Code as expressly providing for such an award. Accordingly, the district court correctly ruled that [Rule 1-054\(D\)](#) authorizes an award of costs to the City as a prevailing party in this case."