

Bond Case Briefs

Municipal Finance Law Since 1971

EMINENT DOMAIN - GEORGIA

Pennington v. Gwinnett County

Court of Appeals of Georgia - October 9, 2014 - S.E.2d - 2014 WL 5032375

Landowners filed action against county, alleging that county confiscated value of lease with cellular telephone company, which constituted an improper taking by inverse condemnation, and other claims. The trial court granted summary judgment in favor of county. Landowners appealed grant of summary judgment on inverse condemnation claim.

The Court of Appeals held that landowners had no property right that was taken by county.

Landowners, who had option contract with cellular telephone company to install tower on their property, had no property right that was taken by county when it entered into agreement with company to install tower on county's nearby property, and thus landowners failed to support inverse condemnation claim against county for alleged lost business opportunity. Landowners did not have a lease with company, but rather merely had expectation of lease, which was extinguished when company chose not to exercise its option, as was its right.