

Bond Case Briefs

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INVERSE CONDEMNATION - IOWA

Kellogg v. City of Albia

Court of Appeals of Iowa - February 8, 2017 - Slip Copy - 2017 WL 512483

Homeowner brought action against city for nuisance, abatement of nuisance, and negligence as a result of damages to her home caused by the flooding of a storm sewer system.

City moved for summary judgment. The District Court granted the motion. Homeowner appealed.

The Court of Appeals held that:

- Genuine issues of material fact existed as to whether nuisance was created or was being maintained by city's operation of the storm sewer, without regard to design or specifications defects, precluding summary judgment; and
- Two-year statute of limitations on homeowner's claim began to run from the occurrence of each intermittent flood.