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EMINENT DOMAIN - INDIANA

AAA Federal Credit Union v. Indiana Department of Transportation

Court of Appeals of Indiana - July 7, 2017 - N.E.3d - 2017 WL 2895546

Owner of commercial property brought action against Department of Transportation (DOT) alleging that reconfiguration of highway that removed direct access from owner's property to highway constituted inverse condemnation.

Following bench trial, the Superior Court entered judgment in favor of DOT. Owner appealed.

The Court of Appeals held that reconfiguration of highway that substituted property's direct access to highway with direct access to new frontage road was not taking.

Owner of commercial property had no property interest in free flow of traffic past its property from highway, and, thus, reconfiguration of highway that substituted property's direct access to highway with direct access to new frontage road was not compensatory taking, where property's driveways were untouched, and access from frontage road was not any more difficult than was access from previous highway configuration, despite customers having to take more circuitous route from reconfigured highway to get to property.