

Bond Case Briefs

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EMINENT DOMAIN - WISCONSIN

Adams Outdoor Advertising Limited Partnership v. City of Madison

Supreme Court of Wisconsin - June 19, 2018 - N.W.2d - 2018 WL 3032401 - 2018 WI 70

Outdoor advertising company brought inverse condemnation claim against city, alleging that construction of pedestrian bridge over road which blocked visibility of billboard sign constituted a taking without compensation.

The Circuit Court granted summary judgment dismissing the claim. Company appealed, and the Court of Appeals affirmed. The Supreme Court granted petition for review.

The Supreme Court of Wisconsin held that company did not have protected property interest in right to visibility from road.

Outdoor advertising company forfeited any claim in inverse condemnation action that billboard permit constituted a property interest, where company consistently and expressly framed its property interest as the "property rights in the property and sign," complaint did not mention any "permit," neither party saw it necessary to introduce the permit into evidence and there was no billboard permit in the record, and company conceded several times during oral argument that it did not make a claim that its billboard permit was the property interest that was taken.

Outdoor advertising company which owned nonconforming billboard along highway did not have protected property interest in right to visibility from highway, and thus could not maintain inverse condemnation action against city after city erected pedestrian bridge across highway which obstructed view of billboard from highway; company was on notice that city could change or improve road, and city did not invade or restrict company's property.

A right to visibility of private property from a public road is not a cognizable right giving rise to a protected property interest.