

# **Bond Case Briefs**

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## **EMINENT DOMAIN - COLORADO**

### **City of Lafayette v. Town of Erie Urban Renewal Authority**

**Colorado Court of Appeals, Division VI - June 14, 2018 - P.3d - 2018 WL 2976324 - 2018 COA 87**

City, a home rule municipality, filed petition in condemnation and motion for immediate possession of parcel of land owned by statutory town.

The District Court granted town's motion to dismiss. City appealed.

The Court of Appeals held that home rule city's condemnation of property that statutory town was planning to develop was motivated by bad faith and thus was not for lawful purpose.

Home rule city's condemnation of property that statutory town was planning to develop was motivated by bad faith and thus was not for lawful purpose; stated public purpose of open space buffer was valid, but blocking town's planned development that predated city's condemnation petition was not lawful, city had no interest in property until it learned of town's proposed development, city presented no evidence showing why setback incorporated in town's development plans would have been insufficient to serve as community buffer, and city's public officials were highly motivated to keep potential tenant within city.