

Bond Case Briefs

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EMINENT DOMAIN - FLORIDA

Simon v. Deer Meadows Homeowners' Association, Inc.

District Court of Appeal of Florida, First District - July 10, 2019 - So.3d - 2019 WL 3022618 - 44 Fla. L. Weekly D1763

Property owners brought an inverse condemnation action against city, alleging that city committed a taking by directing storm water into a retention pond on their property.

The Circuit Court found that homeowners could not assert a claim for inverse condemnation. Property owners appealed.

The District Court of Appeal held that property owners did not suffer an injury entitling them to compensation for taking.

Any alleged taking by city related to pond created to collect storm water occurred prior to property owners' acquisition of parcel, and thus property owners were not entitled to compensation on inverse condemnation claim; although city accepted plat and maintenance responsibility for roads and easements which were designed and intended to direct storm water into retention pond on property, owners bought property knowing pond existed, that pond received storm water from neighborhood, and that prior owners had maintained pond themselves.