

Bond Case Briefs

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EMINENT DOMAIN - MARYLAND

Harford County v. Maryland Reclamation Associates, Inc.

Court of Special Appeals of Maryland - August 1, 2019 - A.3d - 2019 WL 3492174

Landowner brought inverse condemnation action against county alleging that county's zoning laws interfered with landowner's investment-backed business expectations to operate a rubble landfill on its property, and that such interference constituted a regulatory taking.

The Circuit Court denied county's motions to dismiss and for summary judgment, after which it entered judgment upon jury verdict of \$45,420,076 for landowner. County appealed and landowner cross-appealed.

The Court of Special Appeals held that:

- Landowner exhausted its administrative remedies, but
- Inverse condemnation claim accrued for limitations purposes when county board of appeals denied landowner's requests for variances.

Landowner exhausted its administrative remedies before pursuing inverse condemnation action against county alleging that county's zoning laws effected a regulatory taking by interfering with its investment-backed business expectations to operate a rubble landfill on its property, where landowner sought a ruling from county hearing examiner and county board of appeals that a new zoning law concerning requirements for rubble landfills did not apply to its property, landowner appealed board's decision to trial court, Court of Special Appeals, and Court of Appeals, and landowner then unsuccessfully sought variances to operate a rubble landfill and appealed the denial of variances up to the Court of Appeals.

Landowner's inverse condemnation claim against county, alleging that county's zoning laws effected a regulatory taking by interfering with landowner's investment-backed business expectations to operate a rubble landfill on its property, accrued for limitations purposes when county board of appeals issued its final decision denying landowner's requests for variances to operate a rubble landfill, even though the Court of Appeals had not affirmed or reversed the board's decision; date of board's decision was the date that landowner discovered the alleged taking of its property and, to the extent that a stabilization principle applied, it was abundantly clear on that date that the county would not permit landowner to operate a rubble landfill.

Maryland Department of the Environment's (MDE) decision to not renew landowner's permit to operate a landfill three years after county board of appeals issued its final decision denying landowner's requests for variances to operate a rubble landfill on its property constituted the continuing effects of a single earlier act, which was insufficient to delay the limitations period for landowner's inverse condemnation claim against county alleging that county's zoning laws effected a regulatory taking by interfering with landowner's investment-backed business expectations to operate a rubble landfill, where MDE's decision was premised entirely on the Court of Appeals' decision affirming the board's earlier denial of the variance requests.

