

Bond Case Briefs

Municipal Finance Law Since 1971

EMINENT DOMAIN - CALIFORNIA

City of Oroville v. Superior Court of Butte County

Supreme Court of California - August 15, 2019 - P.3d - 2019 WL 3820270 - 19 Cal. Daily Op. Serv. 8139 - 2019 Daily Journal D.A.R. 7729

Commercial property owner brought action against city for inverse condemnation and nuisance arising out of sewer backup.

The Superior Court entered judgment in favor of owner. City petitioned for peremptory writ of mandate. The Court of Appeal denied petition. City petitioned for review.

After grant of review, the Supreme Court held that:

- A court assessing inverse condemnation liability must find more than just a causal connection between the public improvement and the damage to private property; rather, the damage to private property must be substantially caused by an inherent risk presented by the deliberate design, construction, or maintenance of the public improvement; disapproving *California State Automobile Assn. v. City of Palo Alto*, 138 Cal.App.4th 474, 41 Cal.Rptr.3d 503, and
- Invasion of raw sewage into owner's private property was not an inherent risk of city's sewer system as deliberately designed and constructed, and thus such invasion could not support imposition of inverse condemnation liability on city.