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Raia v. Town of Southampton

Supreme Court, Appellate Division, Second Department, New York - September 18, 2019 - N.Y.S.3d - 2019 WL 4458095 - 2019 N.Y. Slip Op. 06637

Property owner brought action against town after road work redirected flow of storm water runoff onto owner's property.

The Supreme Court, Suffolk County denied town's motion for summary judgment. Town appealed.

The Supreme Court, Appellate Division, held that town was not liable for flow of storm water runoff which was redirected onto property owner's land as a result of road work.

Town was not liable for flow of storm water runoff which was redirected onto property owner's land as a result of road work, where the town did not divert the water by artificial means onto the property or make any improvements that were not in good faith.

A landowner will not be liable for damages to abutting property caused by the flow of surface water due to improvements to his or her land, provided that the improvements were made in good faith to make the property fit for some rational use, and that the water was not drained onto the other property by artificial means, such as pipes and ditches.