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EMINENT DOMAIN - GEORGIA

Georgia Department of Transportation v. Mixon

Court of Appeals of Georgia - June 10, 2020 - S.E.2d - 2020 WL 3071468

Landowner sued the Department of Transportation, alleging continuing nuisance and inverse condemnation stemming from flooding on property following a road widening project, and seeking injunctive relief and compensation.

The Superior Court granted in part and denied in part Department's motion to dismiss. Department filed application for interlocutory appeal, which was granted.

The Court of Appeals held that:

- Determination of whether inverse condemnation claim was barred by statute of limitations was precluded in proceedings on motion;
- Doctrine of sovereign immunity was an inapplicable basis on which to dismiss landowner's claim for injunctive relief; and
- Landowner was not required to file expert affidavit with her complaint for inverse condemnation.

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