

Bond Case Briefs

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EMINENT DOMAIN - CALIFORNIA

Town of Apple Valley v. Apple Valley Ranchos Water

Court of Appeal, Fourth District, Division 2, California - January 15, 2025 - Cal.Rptr.3d - 2025 WL 100520

Town brought eminent-domain action to acquire private water utility system, and system's owner objected.

Following a bench trial, the Superior Court, San Bernardino County, entered judgment in favor of owner and awarded attorney fees to owner. Town appealed.

The Court of Appeal held that:

- In utility-condemnation cases, private utility must convince court that resolution of necessity is procedurally invalid or that public entity's findings are not supported by substantial evidence;
- Administrative record underlying town's resolutions of necessity was relevant;
- Trial court's error of finding administrative record irrelevant was harmless;
- Trial court's statement of decision failed to apply principles of independent-judgment review;
- Trial court could not rely solely on evidence of owner's management of system after town adopted resolution of necessity to find that owner met its burden of proof;
- Trial court had discretion to remand action to town at town's request for town to consider in the first instance evidence of owner's management of system after town adopted resolution of necessity; and
- Taken together, trial court's errors prejudiced town and thus warranted reversal of judgment and order awarding attorney fees.