

Bond Case Briefs

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INVERSE CONDEMNATION - GEORGIA

Barngrover v. City of Columbus

Supreme Court of Georgia - March 4, 2013 - S.E.2d - 2013 WL 776731

Equitable relief granted to homeowner in inverse condemnation action against city entitled the city to raze and rebuild homeowner's house.

Property owner filed suit seeking monetary and equitable relief for inverse condemnation and a continuing nuisance and trespass on his property resulting in sinkholes and the presence of fecal coliform bacteria allegedly caused by leakage from the City's network of storm water and sewage pipes running under his property. A special master was appointed, issued a report, the superior court adopted the special master's recommendation as to equitable relief, and ordered that the structures on the property be razed and rebuilt. Property owner appealed.

The Supreme Court of Georgia held that:

- The trial court had the discretion to enter an order requiring house to be razed and rebuilt, and
- The trial court's failure to remove special master was not an abuse of discretion.

The Supreme Court found that the jury's equitable remediation verdict effectively revoked the city's existing pipeline easements through homeowner's property and re-directed said pipelines and easements through another portion of his property. This was not an illegal exercise of the power of eminent domain, was not an illegal seizure of his property, and was not a violation of his right to equal protection of the laws.