

Bond Case Briefs

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EMINENT DOMAIN - CALIFORNIA

Monks v. City of Rancho Palos Verdes

Court of Appeal, Second District, California - March 28, 2013 - Not Reported in Cal.Rptr.3d - 2013 WL 1248251

City not liable to landowners for decline in their property value during the pendency of a long-running eminent domain dispute.

On remand in a long-running eminent domain dispute, city opted to allow plaintiffs to build homes on their lots. Plaintiffs asserted they were also entitled to compensation for the decline in the fair market value of their properties. The trial court disagreed, stating that the city had remedied the permanent taking by repealing the offending resolution and enacting a new resolution allowing plaintiffs to develop their properties.

The court of appeal agreed, stating that the city did not have to pay compensation to plaintiffs for the permanent taking because it provided a constitutionally acceptable alternative remedy – allowing plaintiffs to build homes on their lots.