

Bond Case Briefs

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INVERSE CONDEMNATION - FLORIDA

Judkins v. Walton County

District Court of Appeal of Florida, First District - July 15, 2013 - So.3d - 2013 WL 3491163

Property owner filed inverse condemnation action against county, alleging that a road improvement project caused flooding to her property and rendered it unusable. The Circuit Court awarded summary judgment to county on the basis of the statute of limitations. Owner appealed.

The District Court of Appeal held that stabilization doctrine did not toll the four-year statute of limitations even if county promised to remediate the flooding. The extent of owner's injury was known, and cause of action therefore accrued, right away.

Property owner waived any claim that county was equitably estopped from asserting the four-year statute of limitations as a defense to her inverse condemnation claim due to its promise to remedy the flooding of owner's property allegedly caused by a road improvement project and its subsequent abandonment of that remediation effort, where owner never raised the issue in the trial court.