

# **Bond Case Briefs**

*Municipal Finance Law Since 1971*

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## **ZONING - ALABAMA**

### **Lee v. Houser**

**Supreme Court of Alabama - September 27, 2013 - So.3d - 2013 WL 5394529**

Developer and developer's agent brought action against town and town's planning commission following years of obstruction and delays in developer's application for preliminary plat approval.

The Supreme Court of Alabama held that:

- Issue of whether town and town's planning commission acted negligently by failing to properly consider or grant the developer's application for preliminary plat approval was for jury;
- Issue was for jury in developer's action against town and town planning commission as to whether commission tortiously acquired jurisdiction over developer's property;
- Municipal immunity did not apply to town that sought extraterritorial jurisdiction over the private property of developer so that the municipality could prevent development of that property;
- Personal-injury cap did not apply to action by developer against town for damages associated with town's refusal to approve subdivision plat;
- Developer's agent's untimely complaint against town did not relate back to developer's complaint so as to remedy agent's violation of the municipal notice-of-claim statute; and
- Evidence was sufficient to support jury's award of lost profits.