

Bond Case Briefs

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INVERSE CONDEMNATION - ALABAMA

Ex parte Alabama Dept. of Transp.

Supreme Court of Alabama - December 6, 2013 - So.3d - 2013 WL 6360988

Property owner alleged that the Alabama Department of Transportation (ALDOT), under the direction of its Director and as part of a groundwater remediation effort, physically pumped chemically tainted water onto its property, used its property to help in chemical cleanup, and dumped at least a portion of the remaining water into wetlands owned by property owner. In addition, property owner claimed that ALDOT and the Director had continued this course of action for a full year after property owner demanded that it cease doing so.

Property owner brought action against ALDOT and its Director asserting claims for trespass to realty and inverse condemnation and seeking injunctive relief.

The Supreme Court of Alabama held that:

- ALDOT was absolutely immune from property owner's action for trespass to realty and inverse condemnation;
- Property owner's claims against the Director for trespass to realty were absolutely barred;
- Property owner's allegations that the ALDOT pumped chemical-laden water onto his land were sufficient to allege an actual taking, and thus, stated a valid inverse-condemnation claim against the Director;
- The Circuit Court had jurisdiction to entertain property owner's amended complaint in which it modified its claim for injunctive relief by alleging that the Director acted fraudulently, in bad faith, beyond his authority, or under a mistaken interpretation of the law; and
- Property owner's allegations were sufficient to state a claim for injunctive relief based on the bad faith of the Director.