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CONDEMNATION - UTAH

Utah Dept. of Transp. v. Walker Development Partnership

Court of Appeals of Utah - February 6, 2014 - P.3d - 2014 UT App 30

In 1992, the Utah Department of Transportation (UDOT) condemned property belonging to Walker Development Partnership. After nearly twenty years of litigation between UDOT and Walker, UDOT moved to exclude evidence that it took property not identified in the 1992 Condemnation Resolution. The district court granted UDOT's motion to exclude and Walker appealed.

UDOT argued that the taking of property not described in the Condemnation Resolution or the pleadings was simply not relevant to the issues before the Court. UDOT contended that if it took additional property, that taking constituted "a separate and unrelated wrongful act." Thus, while Walker's claim that UDOT took more property than it condemned might be the substance of a trespass or inverse condemnation claim, Walker failed to bring those claims in its answer and the statute of limitations on an inverse condemnation claim had run.

The court of appeals agreed with UDOT, affirming the district court's grant of UDOT's motion to exclude.