

Bond Case Briefs

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SPECIAL ASSESSMENTS - NORTH DAKOTA

Hector v. City of Fargo

Supreme Court of North Dakota - March 20, 2014 - N.W.2d - 2014 ND 53

Owner of property located in improvement district brought action against city, challenging special assessments, alleging claims for statutory and equitable reassessment of project benefits, fraud and deceit, violation of fiduciary duties, and denial of federal civil rights. The District Court entered summary judgment in favor city, and owner appealed.

The Supreme Court of North Dakota held that owner was precluded, pursuant to doctrine of res judicata, from litigating issues that had been or could have been raised in prior appeal of city commissioners' approval of the assessments.

Property owner's prior appeal of decision of city commissioners approving special assessments against property located in improvement district, precluded, pursuant to doctrine of res judicata, litigation of issues that had been raised or could have been raised in owner's subsequent original action in district court challenging same special assessments, including issues contesting city's claimed construction costs, whether city committed fraud in its statement of costs, whether city improperly applied federal highway funds for project, and whether city violated due process in approving the assessments.