

Bond Case Briefs

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EMINENT DOMAIN - ARIZONA

City of Phoenix v. Garretson

Supreme Court of Arizona - April 17, 2014 - P.3d - 2014 WL 1499642

City brought eminent domain proceeding to determine the amount of just compensation due to property owner who lost access rights of ingress and egress to abutting street when city constructed light rail tracks adjacent to owner's property, but who retained access rights to his property from another street. City moved for partial summary judgment, arguing that property owner was not entitled to compensation because he had alternate access to the property. The Superior Court granted motion. Property owner appealed. The Court of Appeals vacated and remanded, and city appealed.

The Supreme Court of Arizona held that:

- Property owner may be entitled to compensation if the government, in the exercise of its police power, eliminates the owner's established access to an abutting roadway, even if other streets provide access to the property, and
- Landowner had a claim for compensation under eminent domain provision of State Constitution when city completely eliminated landowner's preexisting access to street, leaving him with no means of ingress or egress to that street or any replacement roadway in that location.