

Bond Case Briefs

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INVERSE CONDEMNATION - CALIFORNIA

Biron v. City of Redding

Court of Appeal, Third District, California - April 30, 2014 - Cal.Rptr.3d - 2014 WL 1691350

Owners of an apartment building in downtown Redding, California sued the City, alleging inverse condemnation and dangerous condition of public property after their property was damaged by flooding during two separate storm events.

The trial court ruled in favor of City on both causes of action. As to the inverse condemnation claim, it applied the rule of reasonableness to conclude that City's decision to defer upgrades to City's storm drainage system did not pose an unreasonable risk of harm to plaintiffs. As to the cause of action for dangerous condition of public property, the court concluded City's decision to defer upgrades to the storm drainage system did not create a substantial risk of injury to members of the general public, and that even if the storm drain system had been a dangerous condition, City's conduct was reasonable.

The Court of Appeal affirmed, holding that the trial court correctly applied a rule of reasonableness to the inverse condemnation cause of action, rather than strict liability.