

Bond Case Briefs

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INVERSE CONDEMNATION - OREGON

Hall v. State ex rel Oregon Dept. of Transp.

Supreme Court of Oregon, En Banc - May 30, 2014 - P.3d - 355 Or. 503

Landowners brought inverse condemnation action against Oregon Department of Transportation (ODOT). Plaintiffs alleged that ODOT, by repeatedly making representations to others about its intention to landlock their property and initiate a condemnation action, created a nuisance that “blighted” their property, resulting in a compensable taking of the property under the Oregon Constitution. The Circuit Court entered judgment in favor of landowners. ODOT appealed. The Court of Appeals reversed. Landowners petitioned for review.

After grant of petition, the Supreme Court of Oregon held that representations made by ODOT regarding ODOT’s intention to landlock landowners’ property and to initiate a condemnation action did not constitute a de facto taking.

ODOT’s actions did not deprive landowners of all economically viable use of property, since landowners were able to sell billboard easements on property, and there was no physical occupation of property.