

Bond Case Briefs

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INVERSE CONDEMNATION - WASHINGTON

Pacific Highway Park, LLC v. Washington State Dept. of Transp.

Court of Appeals of Washington, Division 2 - June 3, 2014 - Not Reported in P.3d - 2014 WL 2547695

Pacific Highway Park, LLC (PHP) appealed the trial court's dismissal on summary judgment of its claims against the Washington State Department of Transportation (WSDOT) for inverse condemnation, trespass, and damage to property under RCW 4.24.630.

PHP alleged that these claims arose from WSDOT's alterations to surface water drainage facilities in a 2001 project to widen nearby State Route (SR) 99, which allegedly resulted in the deposit of excess stormwater on PHP's property.

The Court of Appeals held that:

- Because PHP did not purchase the property at issue until after the alleged taking occurred, the subsequent purchaser doctrine precluded PHP from asserting an inverse condemnation claim;
- Questions of fact existed about whether WSDOT's 2001 drainage work resulted in an invasion of PHP's property; and
- PHP's trespass and RCW 4.24.630 claims were not precluded on other legal grounds.