

# **Bond Case Briefs**

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## **INVERSE CONDEMNATION - WASHINGTON**

### **Nelson v. Skamania County**

**Court of Appeals of Washington, Division 2 - June 17, 2014 - Not Reported in P.3d - 2014 WL 2796031**

Landowner sued Skamania County, alleging that the County's former landfill operation on adjacent property caused debris to flow onto his property. The County successfully moved for summary judgment arguing that all of landowner's claims were barred by applicable statutes of limitations.

Landowner appealed, arguing (1) the trespass from migrating debris was both continuing and abatable and the County was liable for damages until the County removed the debris, (2) if the trespass was not abatable, the County was liable under a theory of inverse condemnation for any takings that had occurred in the 10 years prior to landowner filing suit, and (3) the trial court abused its discretion in failing to exclude evidence of a code violation landowner received four years before filing this lawsuit.

The Court of Appeals held that:

- Genuine issues of material fact precluded summary judgment on landowner's trespass claim.
- Landowner was precluded by the subsequent purchaser rule from recovering under inverse condemnation.