

Bond Case Briefs

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INVERSE CONDEMNATION - NEW JERSEY

Wreden v. Township of Lafayette

Superior Court of New Jersey, Appellate Division - June 17, 2014 - A.3d - 2014 WL 2718155

Property owners brought action against township, township's engineer, and excavation contractor, asserting that retaining wall and drainage structures, which were built next to road and owners' land in right of way, caused unauthorized diversion of stormwater runoff onto land. The Superior Court granted township's motion to dismiss and later denied property owners' motion to amend complaint to add inverse-condemnation claim. Property owners appealed.

The Superior Court, Appellate Division, held that:

- Trial court was required to determine whether township's actions constituted continuing tort, for purposes of continuing tort doctrine;
- Property owners were not required to file another notice of claim when retaining wall fell onto their land;
- Trial court was precluded from considering certification of township committee member concerning approval of engineer's plans; and
- Entire controversy doctrine did not bar property owners from amending complaint.