

Bond Case Briefs

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O.R. Garretson v. Mississippi Dept. of Transp.

Supreme Court of Mississippi - November 20, 2014 - So.3d - 2014 WL 6480534

Property owners brought action against the Department of Transportation, seeking damages as a result of silt flooding from bypass construction, and alleging trespass.

The Supreme Court of Mississippi held that:

- The Department of Transportation was entitled to immunity for all of property owners' claims pursuant to the Tort Claims Act provision governing immunity for any act arising out of a plan or design for construction of an improvement to public property, and
- Allegations in property owners' complaint were insufficient to state a taking claim.

The crux of property owners' complaint was that the design of the bypass itself changed the naturally occurring drainage and caused silt to flow onto their land, which had not occurred before, and thus, all of property owners' causes of action, including their request for injunctive relief, fell within the realm of road design, and sounded in tort.