

Bond Case Briefs

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EASEMENTS - IDAHO

H.F.L.P., LLC v. City of Twin Falls

Supreme Court of Idaho, Boise, October 2014 Term - December 8, 2014 - P.3d - 2014 WL 6865494

Purported dominant estate owner brought action against city, alleging existence of prescriptive easement over city-owned property. Following a bench trial, the District Court entered judgment in favor of city. Purported dominant estate owner appealed.

The Supreme Court of Idaho held that:

- Federal district court did not have exclusive subject matter jurisdiction over dispute;
- Use of road was not continuous and uninterrupted;
- Use of road was permissive, rather than adverse;
- Easement by necessity claim was tried by implied consent; and
- Purported dominant estate owner did not establish unity of title to support easement by necessity claim.