

# **Bond Case Briefs**

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## **EMINENT DOMAIN - CALIFORNIA**

### **Jefferson Street Ventures, LLC v. City of Indio**

**Court of Appeal, Fourth District, Division 3, California - April 21, 2015 - Not Reported in Cal.Rptr.3d - 2015 WL 1838772**

In 2007, the City of Indio conditioned approval of Jefferson Street Ventures, LLC's 2005 application for development of a shopping center upon Jefferson leaving approximately one-third of its property undeveloped to accommodate the reconstruction of a major freeway interchange that was in the planning stages.

Jefferson sued the City contending the development restrictions were invalid because they constituted an uncompensated taking of its property. Following a hearing on the writ petition, the trial court found the development restrictions were permissible and denied the writ. Although the court originally declined to consider whether the facially valid development restrictions nonetheless amounted to an uncompensated taking, it subsequently granted the City's motion for judgment on the pleadings on the inverse condemnation causes of action agreeing the ruling on the writ petition included a finding there was no compensable taking.

The appeals court reversed, holding that the City's development restrictions constituted an uncompensated de facto taking of the development-restricted portion of Jefferson's property.