

Bond Case Briefs

Municipal Finance Law Since 1971

EMINENT DOMAIN - WASHINGTON

TT Properties v. City of Tacoma

Court of Appeals of Washington, Division 2 - January 12, 2016 - P.3d - 2016 WL 123523

Owner of two properties brought action against city for unconstitutional taking, relating to transit authority's rail service plans. The Superior Court granted summary judgment to city. Owner appealed.

The Court of Appeals held that:

- City's destruction of a property's access to a particular street is not a per se taking;
- Genuine issue as to substantial impairment of access to one property precluded summary judgment;
- No compensable taking occurred as to other property; and
- Genuine issue as to whether city acted in proprietary or regulatory capacity precluded summary judgment.

Placement of utility bungalow on city right-of-way abutting alley near property, which made it impossible for trucks to swing wide across right-of-way to enter alleyway and reach property, did not substantially impair property owner's access to property, and therefore there was no compensable taking. Even though bungalow encroached about one foot into alleyway, encroachment was minimal, remaining width of alley was more than city's minimum required alley width, and owner did not have property right to swing wide over city's property beyond alley to enter alley.