

Bond Case Briefs

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INVERSE CONDEMNATION - CONNECTICUT

Buck v. Town of Berlin

Appellate Court of Connecticut - February 23, 2016 - A.3d - 163 Conn.App. 282 - 2016 WL 597944

Property owners brought inverse condemnation claim against town. The Superior Court denied town's motion for summary judgment, and town appealed.

The Appellate Court held that:

- Property owners' current claims against town for inverse condemnation were based on the same underlying transaction as their prior claims against town for purposes of claim preclusion, and
- Property owners had an adequate opportunity to litigate their present claim in a prior action, and therefore, the present claim was barred by res judicata.

Property owners' current claims against town for inverse condemnation were based on the same underlying transaction as their prior claims against town for purposes of claim preclusion, regardless of whether they differed in the legal theories espoused and the relief sought. Property owners' claim that town's interference with their properties in the form of a locked gate and large concrete blocks that prevented property owners from accessing their property by means of the only point of access was virtually the same in both actions.

Property owners had an adequate opportunity to litigate their present inverse condemnation claim against town in a prior action, and therefore, their present claim was barred by res judicata. Property owners' did not allege in the first action that road to their properties had been abandoned or formally discontinued, but rather that town had wrongfully blocked road and prevented property owners from using their easement to access their properties, which was the same claim brought in the current action.