

Bond Case Briefs

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INVERSE CONDEMNATION - LOUISIANA

1900 Highway 190, L.L.C. v. City of Slidell

Court of Appeal of Louisiana, First Circuit - June 3, 2016 - So.3d - 2016 WL 3126051 - 2015-1755 (La.App. 1 Cir. 6/3/16)

Business brought action against city, claiming inverse condemnation and seeking damages alleged by business to have resulted from city's annexation and rezoning of land across street from business.

City filed peremptory exceptions of no cause of action, no right of action, preemption, and prescription.

The Judicial District Court granted exception raising prescription. Business appealed.

The Court of Appeal held that:

- Business's petition was untimely;
- Business had no right of action for inverse condemnation; and
- Trial court did not abuse discretion in refusing to allow business to amend petition to remove ground for preemption.

Business's petition for damages against city, which was based on city's annexation and rezoning of land across street from business, was untimely under statute governing challenges to proposed extension of municipality's corporate limits, where petition was not filed within 30-day period for bringing challenge prior to annexation, but was filed almost one year after annexation, and petition did not allege inadequate notice, so that five-year limit for actions based on inadequate notice did not apply.

Business had no right of action for inverse condemnation against city, which was based on city's annexation and rezoning of land across street from business, where business asserted only that the rezoning would lead to increased competition.

Trial court did not abuse its discretion in refusing to allow business to amend its petition to remove ground for peremptory exception, in business's action against city seeking damages for city's annexation and rezoning of land across street from business, where business failed to indicate how it could amend petition to correct deficiencies.