

Bond Case Briefs

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INVERSE CONDEMNATION - TENNESSEE

Cope v. Hawkins County

Court of Appeals of Tennessee, at Knoxville - May 25, 2016 - Slip Copy - 2016 WL 3092662

Several property owners brought suit against the county for inverse condemnation when the county commission's road committee rescinded its recommendation to accept a road as a county road. They claimed that the road had been treated as a public road following the initial recommendation, evidencing an implied ratification of the recommendation. They asserted that the reversal of the recommendation reduced the market value of their property and caused them to incur additional expenses to maintain the road.

The County filed a motion to dismiss, alleging that the complaint failed to state a cause of action upon which relief can be granted. They asserted that a "taking" of real property never occurred because the County Commission never approved Red Rock Lane as a county road. They claimed that the Road Committee merely issued a recommendation and argued that the County Commission's failure to accept the recommendation was not an implied ratification of the recommendation.

The Court of Appeals held that, while property owners may have suffered injury as a result of the county's refusal to designate Red Rock Lane as a county road, a taking of real property never occurred. "Taking all reasonable inferences in favor of Property Owners as we are constrained to do in our review of the case, we conclude that the complaint failed to state a cause of action for which they may seek compensation under Tennessee's inverse condemnation statute."