

Bond Case Briefs

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EMINENT DOMAIN - VERMONT

Regan v. Spector

Supreme Court of Vermont - October 21, 2016 - A.3d - 2016 WL 6157443 - 2016 VT 116

Property owners brought action alleging trespass and nuisance against neighbors, and inverse condemnation against town, after their property was damaged by flood.

The Superior Court entered judgment in favor of neighbors and town, and property owners appealed.

The Supreme Court of Vermont held that:

- Trial court properly focused on the nature and character of the invasion of property in inverse condemnation action, and
- Evidence could not support property owners' trespass and nuisance claims against neighbor.

Trial court property focused on the nature and character of the invasion of property in property owners' inverse condemnation action against town after property owners' land was damaged by flooding. The trial court noted that it did not need to consider in depth the property owners' claim because the property owners had failed to prove a substantial injury potentially warranting equitable relief, and to the extent that the court did consider the claim, it concluded that there was no permanent physical occupation or temporary incursions by the town amounting to an easement on property owners' land.