

Bond Case Briefs

Municipal Finance Law Since 1971

EMINENT DOMAIN - WASHINGTON

Tapio Investment Company I v. State by and through the Department of Transportation

Court of Appeals of Washington, Division 3 - October 27, 2016 - P.3d - 2016 WL 6301605

Property owner brought inverse condemnation action against Department of Transportation alleged taking of office park during construction of a freeway project.

The Superior Court granted Department's motion for judgment as a matter of law, and property owner appealed.

The Court of Appeals held that:

- Court would not undertake an independent analysis of state constitution's taking provision;
- Order entitled "Final Limited Access Order" was not an administrative regulation warranting a regulatory takings analysis;
- Construction in the neighborhood of owner's property was not a taking; and
- Property owner could not establish that property manager had sufficient personal knowledge of e-mails to establish exhibit's relevance.

"Action" undertaken by Department of Transportation in which Department began freeway construction in the neighborhood of owner's office park, did not constitute a taking. Businesses in the vicinity of freeway project did not suffer a harm that was compensable in an inverse condemnation proceeding, and just because a portion of owner's property was expected to be taken in the future did not make it different from its neighbors in that respect.