

Bond Case Briefs

Municipal Finance Law Since 1971

EASEMENTS - COLORADO

City of Lakewood v. Armstrong

Colorado Court of Appeals, Div. II - December 28, 2017 - P.3d - 2017 WL 6614122 - 2017 COA 159

After private landowners obstructed public easement on their land, city brought action for quiet title, declaratory judgment, prescriptive easement, trespass, reformation of deed, and injunctive relief.

The District Court entered summary judgment for city, finding that easement was valid. Landowners appealed.

The Court of Appeals held that:

- Deed validly conveyed easement from county to city, despite failing to specifically describe easement's location;
- Deed's failure to expressly describe dominant estate did not prevent it from validly conveying easement;
- Landowners had constructive notice of easement at time of purchase;
- Trial court properly reviewed extrinsic evidence in determining validity of deed conveying easement;
- Reverter clause was not triggered by zoning of dominant estate for commercial use; and
- County had authority to purchase easement.