

Bond Case Briefs

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INVERSE CONDEMNATION - MISSOURI

Scott Family Properties, LP v. Missouri Highways and Transportation Commission

Missouri Court of Appeals, Eastern District, Division Four - February 13, 2018 - S.W.3d - 2018 WL 828756

Following construction of wall between office building and highway, owner of office building brought action against Highways and Transportation Commission for inverse condemnation based on nuisance.

The Circuit Court granted Commission's motion to dismiss. Owner appealed.

The Court of Appeals held that:

- Commission's alleged non-compliance with Department of Transportation policy was not unlawful, and
- Owner was not injured.

Highways and Transportation Commission's alleged non-compliance with Department of Transportation policy in inverse condemnation action was not unlawful, and thus did not give rise to personal cause of action in tort, since policy was not codified by statute or regulation.

Owner of office building was not injured by Highways and Transportation Commission's construction of wall between building and adjacent highway in inverse condemnation action based on nuisance, although wall obstructed visibility of office building from highway, since owner had no legally protectable property right in public visibility of its building.