

Bond Case Briefs

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INVERSE CONDEMNATION - FLORIDA

Campbell v. Department of Transportation

District Court of Appeal of Florida, First District - March 28, 2019 - So.3d - 2019 WL 1397250

Landowners brought action against Department of Transportation for inverse condemnation, alleging that Department had widened publicly owned right-of-way on edge of road abutting landowners' property, that 20-foot-deep strip of land running along western boundary of landowners' property, a 7,281-square-foot-portion, was encroached by road widening, that Department maintenance engineer conceded that Department had made a mistake, that despite concession Department did not make offer to landowners, that Department filed maintenance map claiming title to subject property, and that their property had been taken for public use without compensation.

Department counterclaimed to quiet title. Following bench trial, the Circuit Court entered judgment for Department. Landowners appealed.

The District Court of Appeal held that:

- There was competent, substantial evidence to support finding that Department had maintained subject property for either four or seven years, as required to quiet title to Department;
- Four-year limitations period for landowners to bring inverse-condemnation claim began to run when trees on western edge of landowners' property were cut and area cleared;
- Department's initial statements conceding that it had mistakenly encroached on landowners' property and suggesting solutions did not lull landowners into disadvantageous legal position, and thus was not equitably estopped from obtaining title; and
- Trial court's error, if any, in excluding recording of conversation between landowners and Department officials, as well as transcript of recording, was harmless error.