

# **Bond Case Briefs**

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## **ZONING & PLANNING - CONNECTICUT**

### **Wozniak v. Town of Colchester**

**Appellate Court of Connecticut - October 29, 2019 - A.3d - 193 Conn.App. 842 - 2019 WL 5538240**

Property owners brought action against town, seeking a writ of mandamus to compel town to file a Letter of Map Revision (LOMR) to the Federal Emergency Management Agency (FEMA) to correct alleged error on flood map, and alleging inverse condemnation, and negligence.

The Superior Court granted town's motion for summary judgment. Property owners appealed.

The Appellate Court held that:

- FEMA's pending field study of body of water did not render moot property owners' appeal;
- No physical change affecting flooding conditions had occurred on property owner's property;
- Determination by town that no practicable alternatives existed to revising boundaries was discretionary; and
- Property owners were permitted to file LOMR individually.

Federal Emergency Management Agency's (FEMA) pending field study of body of water did not render moot property owners' appeal of trial court's dismissal of property owners' action seeking mandamus to compel town to submit Letter of Map Revision (LOMR) application regarding body of water; order of mandamus had potential to provide more expeditious resolution of mapping issue than FEMA's pending field study, which had unknown terminal date.

No physical change affecting flooding conditions had occurred with respect to property owners' property, and thus town had no duty to initiate Letter of Map Revision (LOMR) application to Federal Emergency Management Agency (FEMA) on property owners' behalf for purported map inaccuracy relating to body of water.

Determination by town that no practicable alternatives existed to revising boundaries of previously adopted floodway was discretionary, and thus, town had no ministerial duty to file Letter of Map Revision (LOMR) to Federal Emergency Management Agency (FEMA) on behalf of property owners to correct alleged inaccuracy relating to body of water.

Property owners were permitted to file Letter of Map Revision (LOMR) to Federal Emergency Management Agency (FEMA) individually to correct alleged inaccuracy relating to body of water, and thus, precluded need for mandamus relief to compel town to file LOMR on property owners' behalf.