

Bond Case Briefs

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EASEMENTS - MONTANA

Barrett, Inc. v. City of Red Lodge

Supreme Court of Montana - February 4, 2020 - P.3d - 2020 WL 549053 - 2020 MT 26

Landowner brought action against city and school district, alleging inverse condemnation, negligence, and state constitutional violations, arising out of their use of his property for an secondary access route to high school.

City filed third party complaint that brought architecture firm into the litigation, alleging that firm was negligent in the design and building of access road across landowner's property. The District Court entered summary judgment in favor of architecture firm. Landowner appealed.

The Supreme Court held that city and school district obtained prescriptive easement over landowner's property.

City's and school district's use of landowner's property for secondary access route to high school was open and notorious, such that city and school district obtained prescriptive easement on the property, where access road was, by its nature, obviously visible and not undetectable to the untrained observer.