

Bond Case Briefs

Municipal Finance Law Since 1971

EMINENT DOMAIN - GEORGIA

Rouse v. City of Atlanta

Court of Appeals of Georgia - February 10, 2020 - S.E.2d - 2020 WL 613740

Property owner brought action against city, alleging that sewage pipe discovered beneath property drastically reduced the value of property and subjected it to demolition, asserting claims including trespass, nuisance, and inverse condemnation, and seeking attorney fees.

The trial court granted city's motion for summary judgment and denied property owner's motion for summary judgment. Property owner appealed.

The Court of Appeals held that:

- Whether method of adding cementitious lining to sewage pipes was used solely by city to rehabilitate sewage pipes was material fact issue precluding summary judgment on city's dedication claim;
- Whether property had been dedicated to city for its use was material fact issue precluding summary judgment on property owner's trespass claim;
- Whether city ever exercised dominion and control over sewage pipe was material fact issue precluding summary judgment in favor of property owner on nuisance claim;
- Whether property traversed by underground sewage pipe had been dedicated to city was material fact issue precluding summary judgment in favor of property owner on inverse condemnation claim; and
- Genuine issues of fact on all of property owner's substantive claims precluded property owner's entitlement to award of attorney fees.