

# **Bond Case Briefs**

*Municipal Finance Law Since 1971*

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## **EMINENT DOMAIN - MASSACHUSETTS**

### **Gentili v. Town of Sturbridge**

**Supreme Judicial Court of Massachusetts - February 24, 2020 - N.E.3d - 2020 WL 880413**

Property owner brought action against town to recover for taking of property by prescriptive easement to discharge storm water.

The Superior Court Department entered summary judgment in favor of town. Owner appealed, and appeal was transferred.

The Supreme Judicial Court held that prescriptive easement could not be a taking.

A prescriptive easement is not a means for the government to take private property without just compensation; rather, the prescriptive period requires a private landowner to bring a takings action within a specified period of time.