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EMINENT DOMAIN - WISCONSIN

Southport Commons, LLC v. Wisconsin Department of Transportation

Supreme Court of Wisconsin - June 8, 2021 - N.W.2d - 2021 WL 2325008 - 2021 WI 52

Property owner filed an inverse-condemnation claim against the state Department of Transportation (DOT).

The Circuit Court entered judgment on the pleadings for the DOT. Property owner appealed. The Court of Appeals affirmed. Property owner petitioned for review.

The Supreme Court held that the three-year period in which a property owner must file a notice of claim of damages from violation of statute enacted to protect property owners from damage to lands caused by unreasonable diversion or retention of surface waters due to construction of highways or railroad beds begins to run when the damage happens or take place and not when it is discovered.

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