

Bond Case Briefs

Municipal Finance Law Since 1971

EMINENT DOMAIN - GEORGIA

Ansley Walk Condominium Association, Inc. v. Atlanta Development Authority

Court of Appeals of Georgia - December 30, 2021 - S.E.2d - 2021 WL 6141606

Landowners filed putative class action against city development authority, implementation agent for multi-use trail, and city for inverse condemnation and trespass, alleging that city failed to compensate property owners for unauthorized use and taking of their property to develop portion of multi-use trail on former railroad corridor.

After the superior court denied defendants' motion to dismiss and the Court of Appeals affirmed, plaintiffs moved for class certification. The Superior Court denied motion, and plaintiffs appealed.

The Court of Appeals held that predominance requirement for class certification was not met.

Predominance requirement for class certification was not met, in landowners' action against city development authority, implementation agent for multi-use trail, and city for inverse condemnation and trespass arising from development of trail on former railroad corridor; each claim required determination that class members owned property adjoining corridor and that their rights extended to center-line of corridor, which required analysis of each deed, approximately 60 property rights agreements needed to be reviewed to determine impact on claims and ownership as well as possible defenses, determination of purpose of original easement given to railroad required analysis of 13 individual handwritten conveyance instruments, and damages were individualized as properties had wide variety of uses.