

Bond Case Briefs

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INVERSE CONDEMNATION - NEW MEXICO

van Buskirk v. City of Raton

Court of Appeals of New Mexico - February 11, 2022 - P.3d - 2022 WL 441568

Landowners filed complaint alleging negligence by city for failing to properly cover trash in landfill that was adjacent to property, filed amended complaint alleging inverse condemnation, and filed third complaint instead pleading a cause of action for quintuple damages for inverse condemnation.

Following grant of summary judgment to city on third complaint, landowners filed fourth complaint seeking quintuple damages for inverse condemnation, claiming they had standing based upon previous sale of a 64.77-acre tract to city. The District Court granted summary judgment in favor of city. Landowners appealed.

The Court of Appeals held that landowners' previous grant to city of parcel, which was not landfill that landowners alleged caused damage to their adjacent property, could not serve as basis for inverse condemnation claim for quintuple damages.

Landowners' previous grant to city of parcel, which was not the landfill that landowners alleged caused damage to their adjacent property, could not serve as basis for inverse condemnation claim seeking quintuple damages, in which landowners sought quintuple damages for damage to their 214-acre grazing land caused by trash blowing from landfill; landowners were not the grantors from whom city purchased the landfill that caused the damage alleged, and there was no evidence of subsequent damage resulting from the original transaction the landowners relied upon in their inverse condemnation claim seeking quintuple damages.