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EMINENT DOMAIN - NEW YORK

Savo v. City of New York

Supreme Court, Appellate Division, Second Department, New York - September 28, 2022 - N.Y.S.3d - 2022 WL 4489340 - 2022 N.Y. Slip Op. 05343

Owners of three nonadjacent lots located in park preserve brought action against city seeking to recover damages for inverse condemnation.

The Supreme Court, Richmond County, denied city's motion for summary judgment. City appealed.

The Supreme Court, Appellate Division, held that:

- Owners' inverse condemnation cause of action accrued when city's parks department acquired their properties;
- Doctrine of equitable estoppel did not apply bar city's affirmative defense claiming that the statute of limitations on landowners' claim had expired;
- City's motion for summary judgment was not premature; and
- Owners' request for leave to amend their complaint was improperly raised for the first time on appeal.

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