

Bond Case Briefs

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EMINENT DOMAIN - WYOMING

Colton v. Town of Dubois

Supreme Court of Wyoming - November 3, 2022 - P.3d - 2022 WL 16645722 - 2022 WY 138

Landowner brought declaratory judgment action against town concerning his rights under Eminent Domain Act to reclaim, for non-use by town, the portion of his property that town previously sought to condemn for airport project but ultimately acquired through a settlement agreement with landowner.

After a bench trial, the District Court granted summary judgment for town. Landowner appealed.

The Supreme Court held that:

- Settlement agreement satisfied elements for landowner's waiver of rights under Act, and
- Settlement agreement did not contravene public policy behind Act.

Landowner's settlement agreement with town waived any right he had under Eminent Domain Act to reclaim, for non-use by town, the portion of his property that town previously sought to condemn for airport project but ultimately acquired through settlement agreement, where Act's provisions were primary basis for parties' claims throughout their dispute leading to settlement agreement, waiver provisions in settlement agreement were not ambiguous, the stated purpose of settlement agreement was to resolve "any and all" future claims "related in any way" to the condemnation action, and landowner agreed to release town from "any and all" claims in multiple sections of settlement agreement.

Landowner's waiver of his right under Eminent Domain Act to reclaim, for non-use by town, the portion of his property that town previously sought to condemn for airport project but ultimately acquired through settlement agreement with landowner did not contravene public policy behind Act; landowner's waiver of statutory opportunity to reclaim property did not affect the public interest in the acquisition, possession, occupation, and enjoyment of private land by a public entity when the public interest and necessity so required, and public policy or interest was also served by recognizing an individual's right to freely contract.