

Bond Case Briefs

Municipal Finance Law Since 1971

INVERSE CONDEMNATION - GEORGIA

City of Lawrenceville v. Alford

Court of Appeals of Georgia - November 22, 2022 - S.E.2d - 2022 WL 17099947

Property owner brought negligence action against city relating to storm-water runoff on her property.

After a jury trial, the Superior Court awarded owner \$425,000 in damages plus \$8,742.86 in litigation expenses. City appealed.

The Court of Appeals held that:

- Issue of whether special damages occurred during six-month period prior to owner giving ante litem notice to city as required under municipal corporation statute governing demand prerequisite was for jury;
- Issue of whether city engaged in bad faith conduct with respect to creek project as would support award of statutory litigation expenses was for jury;
- Trial court did not abuse its discretion in determining that evidence regarding conditions on property owner's property leading up to city's creek project, and the cause of those conditions, was relevant, more probative than prejudicial, and admissible at trial; and
- Trial court's error, if any, in admitting evidence that city trespassed on property owner's property during prior project was harmless.