
EMINENT DOMAIN - LOUISIANA

Saloom v. Department of Transportation and Development

Supreme Court of Louisiana - December 9, 2022 - So.3d - 2022 WL 17546623 - 2022-00596 (La. 12/1/22)

Landowners who inherited property from father brought inverse condemnation action against State pertaining to portion of property that father conveyed to State for highway project at a time when father owned an undivided one-half interest in property and landowners owned other one-half interest via inheritance from mother.

The District Court granted partial summary judgment for landowners. State appealed. The Court of Appeal reversed. Landowners applied for writ of certiorari, which was granted.

The Supreme Court held that doctrine of estoppel by deed did not bar inverse condemnation claims.

Doctrine of estoppel by deed did not apply to bar inverse condemnation claims against State by landowners who inherited an undivided one-half interest in property from their mother before their father, who owned the other one-half interest, conveyed a portion of property to State with "all lawful warranties" for highway project, after which landowners inherited father's one-half interest, where dispute involved central issues of State's obligation to pay just compensation, landowners' right to assert ownership, and available remedies for breach of warranty against eviction, those matters were addressed by State Constitution and numerous statutes, and State was fully aware of landowners' ownership interests for many years and chose not to pursue its legal remedies against its seller.

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