

Bond Case Briefs

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EMINENT DOMAIN - UTAH

R.O.A. General Inc. v. Salt Lake City Corporation

Court of Appeals of Utah - December 15, 2022 - P.3d - 2022 WL 17684993 - 2022 UT App 141

Following denial of relocation request for demolished billboard billboard owner brought action for inverse condemnation, arguing that denial of relocation request required just compensation.

The Third District Court denied city's motion for summary judgment, and, following stipulation to value of billboard, entered judgment for billboard owner as to compensation. City appealed.

The Court of Appeals held that:

- Doctrine of issue preclusion did not apply;
- Doctrine of stare decisis did not apply;
- Billboard owner did not establish equitable estoppel as a matter of law; and
- Billboard owner did not establish judicial estoppel as a matter of law.

Prior litigation regarding city's denial of billboard owner's relocation request did not resolve whether that denial required compensation, and thus doctrine of issue preclusion did not apply in billboard owner's subsequent inverse condemnation action against city; while court stated in prior litigation that statute "expressly permits the City to deny such requests, so long as it pays just compensation," the court did not address whether the billboard at issue in fact qualified for compensation under the statute nor did it address factual scenarios at issue in the inverse condemnation action, including whether a denied relocation request required compensation where two applicants sought to locate billboards in essentially the same location or where the billboard owner destroyed its billboard before filing its permit request.

Prior litigation regarding city's denial of billboard owner's relocation request did not, under doctrine of stare decisis, resolve issue in subsequent inverse condemnation proceeding of whether that denial required compensation; court in prior litigation did not decide whether a relocation applicant is entitled to compensation where two applicants sought to place billboards in essentially the same location, or is entitled to compensation where the billboard owner destroyed its billboard before filing its permit request.

Billboard owner failed to establish as a matter of law that city was equitably estopped from arguing new reasons that demolished billboard did not qualify for statutory compensation absent showing by billboard owner that it took reasonable action or inaction based on city's prior assertion that demolished billboard qualified for compensation under statute; billboard owner claimed it would have taken the opportunity to bank its billboard credits or would have changed litigation strategies, but did not provide record citations to affidavits or other evidence that might establish those claims.

Billboard owner failed to establish as a matter of law that it relied to its detriment on any assertion city took in prior action that demolished billboard qualified for statutory compensation, and thus city was not judicially estopped from arguing new reasons in billboard owner's inverse condemnation

action as to why demolished billboard did not qualify for compensation.

Court of Appeals would decline to affirm trial court's conclusion on summary judgment, that city was estopped from relying on new reasons to reject billboard owner's relocation application in an effort to avoid paying just compensation. on alternative ground of claim preclusion, where billboard owner did not cite or engage with the transactional test applied by Utah courts to the question of claim preclusion, nor did billboard owner support its assertion that city should have raised defenses to a claim for compensation where billboard did not seek compensation in previous tribunals.

Court of Appeals would decline to reach the merits of city's arguments that billboard owner was not entitled to statutory compensation for demolished billboard because two companies requested relocation permits for the same location and owner did not have an existing billboard to relocate when it submitted its relocation request, but rather, following reversal of summary judgment for billboard owner, would remand for district court to consider the merits of the arguments.