

Bond Case Briefs

Municipal Finance Law Since 1971

LIABILITY - GEORGIA

City of Alpharetta v. Francis

Court of Appeals of Georgia - January 19, 2023 - S.E.2d - 2023 WL 311338

Residents of home brought action against city, asserting that negligent maintenance of storm water drainage systems caused flooding in home and alleging claims for inverse condemnation, personal injuries, trespass, nuisance, punitive damages, and attorney fees.

The trial court denied city's motion to dismiss. City applied for interlocutory review, which was granted.

The Court of Appeals held that:

- Notice failed to satisfy requirement of ante litem notice requirement that notices include specific amount of monetary damages sought from municipal corporation, and
- Court would decline to consider residents' claim that requirements of ante litem notice statute did not apply to inverse condemnation claim.

Notice that residents of home submitted to city, indicating intent to sue, failed to satisfy requirement of ante litem notice statute that notices, in describing extent of injury, include specific amount of monetary damages being sought from municipal corporation; while notice indicated residents would seek damages for complete and total taking of property in amount to be proven at trial, believed to be between \$350,000 and \$500,000, as well as medical damages between \$75,000 and limitations of applicable insurance policies, and promised to supplement notice with formal demand, no such demand was ever filed, and notice merely provided estimated range of potential damages and failed to identify insurance policies under which residents sought to recover.

Court of Appeals would decline to rule on home residents' claim that requirements of ante litem notice statute did not apply to inverse condemnation claim brought against city; residents did not raise such argument before trial court, and trial court did not rule on issue.