

Bond Case Briefs

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EMINENT DOMAIN - GEORGIA

Wise Business Forms Inc. v. Forsyth County

Court of Appeals of Georgia - December 22, 2023 - S.E.2d - 2023 WL 8862419

Property owner brought action against county and Georgia Department of Transportation (GDOT) asserting a claim for inverse condemnation by permanent nuisance after road expansion increased the surface and stormwater runoff flowing under its property, which created a sinkhole in its parking lot.

The Superior Court dismissed complaint, and property owner appealed. The Court of Appeals affirmed. Property owner appealed, and the Supreme Court reversed.

On remand, the Court of Appeals held that property owner's claim that drainage system resulted in an inverse condemnation by permanent nuisance was not barred as a matter of law by the applicable four-year statute of limitations.

Property owner's claim that drainage system constructed by county and Georgia Department of Transportation (GDOT) resulted in an inverse condemnation by permanent nuisance was not barred as a matter of law by the applicable four-year statute of limitations, although the construction had occurred more than four years earlier, where property owner alleged that increased stormwater runoff was a nuisance that was not immediately observable.