

Bond Case Briefs

Municipal Finance Law Since 1971

EMINENT DOMAIN - INDIANA

State v. Laughlin

Court of Appeals of Indiana - November 29, 2023 - N.E.3d - 2023 WL 8246853

Parties with property interest in billboard advertising sign and lease commenced action against state and Department of Transportation alleging inverse condemnation.

The Superior Court entered order of appropriation without resolving factual issues as to whether taking occurred. State and Department filed interlocutory appeal.

The Court of Appeals held that trial court erred in determining that taking occurred without setting matter for hearing or allowing other dispositive motions to be filed.

Trial court improperly determined that taking had occurred based upon only complaint by purported holders of property interest in billboard advertising sign, which state and Department of Transportation removed as part of highway improvement project, and state's objections and affirmative defenses, in inverse condemnation action; court was required to make factual determination as to whether taking occurred by setting matter for hearing or allowing other dispositive motions to be filed.