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EMINENT DOMAIN - NEW YORK

Board of Managers of Lido Beach Towers Condominium v. City of Long Beach

Supreme Court, Appellate Division, Second Department, New York - January 24, 2024 - 223 A.D.3d 774 - 204 N.Y.S.3d 145 - 2024 N.Y. Slip Op. 00290

Board of managers for condominium brought action against city, inter alia, to recover damages for inverse condemnation, arising from city's alleged failure to timely seek permanent easement over condominium property via condemnation.

The Supreme Court, Nassau County, denied city's motion to dismiss claim as time-barred, and city appealed.

The Supreme Court, Appellate Division, held that three-year statute of limitations for damages to property applied to claim.

Three-year statute of limitations for damages to property, rather than one-year-and-ninety-day statute of limitations for damages claims against political subdivisions, applied to inverse condemnation claim by board of managers for condominium against city, since inverse condemnation claims did not sound in tort.