

# **Bond Case Briefs**

*Municipal Finance Law Since 1971*

---

## **EMINENT DOMAIN - GEORGIA**

### **Satcher v. Columbia County**

**Supreme Court of Georgia - August 13, 2024 - S.E.2d - 2024 WL 3802370**

After property owners provided notice of claims to county but county declined to repair property, owners brought action against county, asserting claims for inverse condemnation, trespass, nuisance, and negligence, based on damage to property arising from allegedly defective stormwater drainage system, and seeking damages and a permanent injunction, among other things.

Before final bench trial, owners' property sustained alleged additional injury related to stormwater. Following bench trial, the Superior Court found in favor of owners, awarding money damages, for damages incurred both before notice was sent to county and after complaint was filed, and granting owners a permanent injunction that enjoined county from maintaining a defective stormwater drainage system that caused damage to owners' property. County appealed. The Court of Appeals, among other things, vacated the damages award as to harms occurring after notice was sent to county but affirmed the grant of the injunction. The parties filed cross-petitions for writ of certiorari, which were granted.

The Supreme Court held that:

- Injunction exceeded the scope of the sovereign immunity waiver provided by the Just Compensation Provision, and
- Vacatur of order granting owners' petition for certiorari and denial of the petition were warranted.

Injunction entered in property owners' action against county, which enjoined county from maintaining a defective stormwater drainage system that caused damage to owners' property, exceeded the scope of the sovereign immunity waiver provided by the Just Compensation Provision; injunction was permanent, and, on its face, injunction's duration was not limited to what was necessary to stop the alleged taking or damaging until such time as county made prepayment of just and adequate compensation or exercised the power of eminent domain.

Court of Appeals' opinion vacating damages award as to harms occurring after property owners' notice-of-claims letter to county did not articulate a general rule of law of the sort that posed a question of gravity warranting Supreme Court's review, thus supporting vacatur of order granting owners' petition for certiorari as to that ruling and denial of the petition, in owners' action against county alleging damage to property arising from allegedly defective stormwater drainage system; Court of Appeals merely held that, on the particular facts of the case, owners could not obtain damages incurred after the presentation of notice.