

Bond Case Briefs

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EMINENT DOMAIN - WASHINGTON

City of Sammamish v. Titcomb

Supreme Court of Washington, En Banc - September 12, 2024 - P.3d - 2024 WL 4156608

Municipality filed petition in eminent domain after enacting ordinance condemning property rights in water flowing through homeowners' property.

The Superior Court, denied city's motion for order adjudicating public use and necessity, denied municipality's motion for reconsideration, and granted homeowners' motion for attorney fees and costs. Municipality appealed. The Court of Appeals reversed. Homeowners appealed and review was granted.

The Supreme Court held that municipality was not divested of its statutory condemnation authority by project that had primary purpose of eliminating barriers to fish passage but that also included listed purpose of drainage infrastructure; limiting holding of *Cowlitz County v. Martin*, 142 Wash. App. 860, 177 P.3d 102.