

# **Bond Case Briefs**

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## **EMINENT DOMAIN - IDAHO**

### **Bear Crest Limited LLC v. State by and through Idaho Transportation Department**

**Supreme Court of Idaho, Boise, February 2025 Term - September 3, 2025 - P.3d - 2025 WL 2525340**

Operator of drive-through wildlife park, property owner that leased land to operator, and owner of both operator and property owner brought action against state, acting by and through Idaho Transportation Department (ITD), for breach of contract and inverse condemnation, alleging that closure of intersection of highway and county road near park was a taking and breached deed, which reserved access to county road connection.

The Seventh Judicial District Court granted ITD's motion for summary judgment and denied plaintiffs' motion for partial summary judgment. Plaintiffs appealed.

The Supreme Court held that:

- Property owner had standing to bring claims;
- Property owner had cognizable breach-of-contract claim against ITD based on deed's reservation for access to connection;
- Deed referenced express reservation of access to connection, not to county road itself;
- Deed's express reservation of access rights constituted an easement that ran with the land, and thus property owner could enforce easement against ITD through breach-of-contract action.
- Closure of intersection breached express reservation of access rights;
- Closure of intersection constituted taking of access rights that were reserved in deed; and
- Property owner's right of access as abutting landowner was substantially impaired, and thus a taking occurred.