

Bond Case Briefs

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EMINENT DOMAIN - CALIFORNIA

Town of Apple Valley v. Apple Valley Ranchos Water

Supreme Court of California - August 24, 2026 - P.3d - 2026 WL 2470168 - 2026 Daily Journal D.A.R. 7343

Town brought eminent-domain action to acquire private water utility system, and system's owner objected.

Following a bench trial, the Superior Court, San Bernardino County, entered judgment in favor of owner and awarded attorney fees to owner. Town appealed, and the Fourth District Court of Appeal reversed and remanded. The Supreme Court granted petition for review.

The Supreme Court held that to evaluate a challenge to the taking of privately owned public utility property, the trial court, sitting as trier of fact, must exercise its independent judgment to determine whether the utility owner challenging the taking has rebutted the presumptions that the requirements for the taking were established and the taking is for a more necessary use, and has thus established by a preponderance of the evidence that the taking is not authorized by the Eminent Domain Law.