

CONDEMNATION & VALUATION

INVERSE CONDEMNATION

Gallagher & Kennedy's attorneys are familiar with the substantive and procedural requirements associated with inverse condemnation claims. We recognize the time-sensitive nature of filing prompt notices with the necessary parties. Additionally, we work closely with our clients to identify and evaluate any potentially problematic legal or factual issues early in the representation.

Not all condemnation cases are initiated by a government agency. Where the government has taken or infringed upon property rights without compensation as required by Arizona or federal law, the property owner may have to file an inverse condemnation claim against the offending agency.

Examples of inverse takings include:

- Physical invasion of property, such as through trespass or flooding
- Dedication of private property as a condition to a development permit where the dedication lacks an essential nexus with the government purpose or the dedication is not roughly proportionate to the development's impact
- Enactment of zoning ordinances or other regulations that prohibit all economically beneficial use of property
- Interference with access to or from an adjacent highway or street
- Adoption of land use laws that reduce a property's value by affecting the owner's right to use, divide, sell or possess the property