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2/27/69

Memorandum 69-34

Subject: Study 65 - Inverse Condemnation (General Policy Considerations)

Having considered to some extent the area of water damage, the staff believes that you will find it extremely helpful to read (or reread) the portion of the background research study that outlines the general classification of inverse condemnation claims (information that describes in general terms the approach the research study takes to the various types of inverse condemnation liability) and--more important--the portions of the research study that discuss the different theories that have been advanced to provide a test as to compensability (pages 9-25 of attached study) and the consultant's suggested approach to, and the policy criteria he has identified as helpful in resolving, problems of inverse condemnation liability (pages 25-36 of attached study).

We do not plan to discuss the attached portion of the background research study as such at the meeting. However, the material contained in this portion of the study may prove helpful in determining whether liability or immunity should exist in particular circumstances and reference may be made to this portion of the study from time to time in the future.

Respectfully submitted,

John H. DeMouilly
Executive Secretary

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