

SUMMARY STATEMENT

City of Eagle v. Two Rivers Subdivision Homeowners Association, Inc.,
Docket No. 47193

This appeal arose from a dispute between a homeowners' association and the City of Eagle ("the City") over the public's right to use a parking lot located on land owned by the homeowners' association. T.R. Company, LLC ("T.R.") was the developer of a subdivision. In November 2002, the City held a public hearing on T.R.'s request for certain concessions from the City associated with the subdivision. The City argued that T.R. offered to dedicate an easement for public parking on Lot 35 at that hearing. It further argued that the offer was accepted when, a few months later, the City approved T.R.'s design review application showing the specific location and design of the parking lot. Respondent Two Rivers Subdivision Homeowners Association, Inc. argued that no dedication occurred because T.R.'s intent to dedicate was not clear and unequivocal. The district court granted summary judgment in favor of the Association. The Supreme Court concluded that T.R. made a present offer of dedication and that the City accepted this offer. Accordingly, it vacated the district court's judgment, reversed the district court's summary judgment decision, and remanded with instructions to enter judgment in favor of the City and to consider whether the City was entitled to any injunctive relief.