

Bond Case Briefs

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EMINENT DOMAIN - CALIFORNIA

Los Angeles County Metropolitan Transportation Authority v. KBG I Associates, LLC

**Court of Appeal, Second District, Division 5, California - October 7, 2015 - Not Reported in
Cal.Rptr.3d - 2015 WL 5841977**

KBG I Associates, LLC (KBG) appealed from the trial court's orders excluding the property valuation reports prepared by KBG's expert in an eminent domain action.

According to KBG, the orders deprived it of its constitutional right to have a jury determine the issue of just compensation. KBG contended that the trial court erred when it ruled that KBG's appraiser could not consider the loss of direct access to its property caused by the construction of a public works project and the revocation by the Los Angeles County Metropolitan Transportation Authority (MTA) of a revocable license providing access to the property. KBG also contended that the trial court erred when it excluded from KBG's property valuation other evidence of impaired access caused by the project.

The Court of Appeal held that the termination of a revocable license concerning access to a property, work on a public street, and non-substantial changes in access to the property are not compensable. Thus, the trial court's orders prohibiting KBG's expert from considering evidence of the loss of direct access and other impairments of access to KBG's property were correct.