

Bond Case Briefs

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EMINENT DOMAIN - IDAHO

Ada County Highway District v. Brooke View, Inc.

Supreme Court of Idaho, Boise, February 2017 Term - May 23, 2017 - P.3d - 2017 WL 2247652

In eminent domain proceedings, the District Court entered judgment awarding \$148,390.21 plus prejudgment interest and attorney fees to property owner as just compensation for a parcel of property condemned by county. County appealed.

The Supreme Court of Idaho held that:

- Just compensation for property condemned by county did not include compensation for damage to a wall caused by the construction of improvements on the taken parcel, and
- Jury instructions that misstated the law were reversible error.

Damages accruing during construction of project for which property is condemned under the State's eminent domain powers are not properly part of just compensation and must be pursued separately in tort.

Jury instructions in eminent domain proceedings that led the jury to consider physical damages to property caused by construction project on condemned property were reversible error, where instructions misstated the law of just compensation, and the majority of the final judgment amount awarded in the case was for the cost to cure damages occurring during construction.