

# **Bond Case Briefs**

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## **EMINENT DOMAIN - NEW YORK**

### **Johnson v. Town of Caroga**

**Supreme Court, Appellate Division, Third Department, New York - June 21, 2018 - N.Y.S.3d - 162 A.D.3d 1353 - 2018 WL 3058262 - 2018 N.Y. Slip Op. 04615**

Property owners petitioned for review of town's determination condemning portion of their property for purpose of ensuring access to recreational trails.

The Supreme Court, Appellate Division, held that condemnation served public purpose as required for town to exercise eminent domain power.

Town's condemnation of strip of land served public purpose, as required for town to exercise eminent domain power, where condemnation ensured continued public access to trails on state lands for snowmobiling, hiking, and other recreational activities by residents and visitors, enhancing tourism and providing economic benefit; strip provided most direct, feasible, and safe means of accessing recreational trails, and condemnation protected abutting property owners from claims of liability by persons who traveled upon strip of land.