

Bond Case Briefs

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EMINENT DOMAIN - NEW YORK

Matter of Oakwood Beach Bluebelt - Stage 1

Supreme Court, Appellate Division, Second Department, New York - September 26, 2018 - N.Y.S.3d - 164 A.D.3d 1453 - 2018 WL 4608777 - 2018 N.Y. Slip Op. 06246

City brought condemnation action against property owner, and the Supreme Court, Richmond County, awarded property owner \$10,100,000 for fair market value of condemned property. City appealed.

The Supreme Court, Appellate Division, held that finding that the highest and best use of the condemned property was as a yeshiva was supported by sufficient evidence.

Finding that the highest and best use, as required to determine fair market value, of a condemned property was as a yeshiva was supported by sufficient evidence; property owner had pursued a hardship exemption from the property's designation as a wetland and his failure to develop the property as a yeshiva was explained by moratoria on development in wetland areas.