

# **Bond Case Briefs**

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## **EMINENT DOMAIN - NEW MEXICO**

### **City of Albuquerque v. SMP Properties, LLC.**

**Court of Appeals of New Mexico - September 26, 2018 - P.3d - 2018 WL 4625803**

City filed complaint for condemnation to acquire commercial property on which city wanted to build a road, and after city was granted possession and right to work on the property, the commercial property owners argued in their answer that \$143,850 city had deposited with court was not just compensation and that city's actions caused owners' tenant not to renew its lease.

The District Court granted city's motion for partial summary judgment, and entered a stipulated final judgment for condemnation. Property owners appealed.

The Court of Appeals held that:

- Genuine issue of material fact regarding whether city's actions caused property owners' commercial tenant not to renew its lease precluded summary judgment on damages claim; and
- Genuine issue of material fact regarding whether city's precondemnation actions constituted substantial interference precluded summary judgment on inverse condemnation claim.

Genuine issue of material fact regarding whether city's actions caused property owners' tenant not to renew its commercial lease precluded summary judgment on owners' claims for damages resulting from the loss of its tenant and order prohibiting owner and expert from testifying regarding those damages in condemnation action brought by city.

Genuine issue of material fact regarding whether city's precondemnation activities in informing property owners' tenant about planned condemnation constituted substantial interference with property owners' rights precluded summary judgment on owners' claim for inverse condemnation.