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EMINENT DOMAIN - NEW YORK

City of New York v. Yonkers Industrial Development Agency

Supreme Court, Appellate Division, Second Department, New York - March 20, 2019 - N.Y.S.3d - 2019 WL 1272475 - 2019 N.Y. Slip Op. 02087

City, city's metropolitan transportation authority (MTA), and MTA's city bus company petitioned for review of determination of suburb's industrial development agency, which condemned city's fee interest in parcel located in suburb, used as bus depot, but excluded MTA's leasehold interest in parcel from condemnation.

The Supreme Court, Appellate Division, held that:

- Agency's acquisition of city's fee interest in parcel was rationally related to conceivable public purpose of furthering urban renewal and increasing suburb's economic viability and tax base;
- Agency substantially complied with procedural requirements of statutes governing notice and conduct of public hearings on municipal acquisition of property; but
- Agency's proposed condemnation of city's fee interest in parcel was prohibited under doctrine of prior public use.