

Bond Case Briefs

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EMINENT DOMAIN - CONNECTICUT

Commissioner of Transportation v. Lagosz

Appellate Court of Connecticut - May 14, 2019 - A.3d - 189 Conn.App. 828 - 2019 WL 2082763

Property owner appealed from Commissioner of Transportation's assessment of damages in connection with condemnation of real property for purpose of improving rail corridor.

Following mediation and hearing to determine whether enforceable settlement agreement had been reached, the Superior Court entered judgment enforcing oral settlement agreement for reassessment of \$600,000 as just compensation for taking of defendant's property. Property owner appealed.

The Appellate Court held that:

- Settlement agreement was not unenforceable for failing to address expenses incurred by property owner's husband in relocating his business, and
- Trial court did not clearly err in finding that legally enforceable settlement agreement existed, under which Commissioner was to pay property owner \$600,000 in damages.

Issue of expenses incurred by property owner's husband in relocating his business was outside scope of eminent domain proceeding, and thus oral settlement agreement between property owner and Commissioner of Transportation was not unenforceable for failing to address such issue, in property owner's appeal from Commissioner's assessment of damages in connection with taking; only essential term of settlement agreement was amount of compensation to be paid to property owner for taking of her real property.

Trial court did not clearly err in finding that legally enforceable settlement agreement existed, under which Commissioner of Transportation was to pay property owner \$600,000 in damages in connection with taking of her home and real property, in property owner's appeal from Commissioner's initial assessment of damages, where property owner's former attorneys, Commissioner's representatives, and property owner's husband, all testified that parties had agreed to sum of \$600,000 in mediation proceedings.