

# **Bond Case Briefs**

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## **EMINENT DOMAIN - NEW YORK**

### **City of Long Beach v. Sun NLF Limited Partnership**

**Supreme Court, Appellate Division, Second Department, New York - May 15, 2019 - N.Y.S.3d - 2019 WL 2112808 - 2019 N.Y. Slip Op. 03784**

In condemnation proceeding, the Supreme Court, Nassau County, awarded condemnee attorney fees in the sum of \$831,303.22, expert fees in the sum of \$65,100, and costs and disbursements in the sum of \$2,133.90. Both parties appealed.

The Supreme Court, Appellate Division, held that contingency fee of \$1,366,250 was a reasonable award of attorney fees to condemnee.

Contingency fee of \$1,366,250 was a reasonable award of attorney fees to condemnee in condemnation action, even though retainer agreement executed by condemnee provided that condemnee's counsel would receive 20% of first \$500,000 of excess over condemnor's initial offer and 15% of any further excess received by condemnee, where the retainer agreement was executed after condemnor's initial offer, condemnor's initial offer undervalued property worth \$11.8 million at just \$2,080,000, and a great deal of effort was required to establish the highest and best use of the properties.