

Bond Case Briefs

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EMINENT DOMAIN - MISSISSIPPI

Starkville Lodging, LLC v. Mississippi Transportation Commission

Court of Appeals of Mississippi - August 27, 2019 - So.3d - 2019 WL 4024777

Transportation Commission filed eminent domain petition, seeking to have property owner's land condemned in order to allow for relocation and expansion of state highway system, and owner filed motion to dismiss.

The Special Court of Eminent Domain denied motion. Property owner appealed.

The Court of Appeals held that:

- Property owner failed to establish that Commission sought to condemn property for benefit of private purchaser, not for public necessity;
- Commission's taking of property was for public use; and
- Trial court's error in stating that owner's land would remain property of Commission after condemnation was harmless.

Property owner failed to establish that Transportation Commission sought to condemn owner's property for benefit of private purchaser, not for public necessity, as necessary for Commission's eminent domain action to be dismissed; although owner argued that sales contract between city and purchaser conditioned sale on state allowing access to property, and that city needed owner's land in order to establish such access, owner offered no concrete proof of any abuse of discretion on Commission's behalf, let alone evidence of fraudulent conduct.

Transportation Commission's proposed taking of property owner's land was for public use, and thus dismissal of eminent domain action brought by Commission against property owner was not warranted; in condemnation order, Commission stated that it had determined it to be in best interest of state motorists and taxpayers to relocate and construct segment of state highway system on land belonging to property owner, and in memorandum of agreement, Commission indicated that such taking was necessary to "expand and relocate" highway.