

Bond Case Briefs

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Department of Transportation and Development v. Motiva Enterprises, LLC

Court of Appeal of Louisiana, Fifth Circuit - October 2, 2019 - So.3d - 2019 WL 4855042 - 19-32 (La.App. 5 Cir. 10/2/19)

Department of Transportation and Development (DOTD) brought action against owner and lessee of land seeking to expropriate land for road construction project.

During jury trial, the District Court granted directed verdict for DOTD against lessee. Lessee appealed.

The Court of Appeal held that lessee failed to establish damages for diminished value of its leasehold interest in expropriated land.

Lessee failed to establish damages for diminished value of its leasehold interest in land expropriated by Department of Transportation and Development (DOTD) for road construction project, although it presented testimony in which project manager involved in previous sale of land estimated value of land, where project manager had no input into actual valuation of land for purposes of sale, and lessee did not present evidence of any methodology used to determine value of leasehold interest either before or after expropriation.