

Bond Case Briefs

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EMINENT DOMAIN - SOUTH CAROLINA

United States v. 269 Acres, More or Less, Located in Beaufort County South Carolina

United States Court of Appeals, Fourth Circuit - April 16, 2021 - F.3d - 2021 WL 1432960

Government filed eminent domain action to impose permanent easement on undeveloped land near military base for military jets' flight paths.

The United States District Court for the District of South Carolina accepted in part and rejected in part recommendation by three-member land commission issued following bench trial and awarded landowners approximately \$4.4 million as just compensation, and, subsequently denied landowner's request for attorney's fees and costs and ordered parties to split costs of commission, but granted in part landowners' motion for relief from judgment, apportioning attorney's fees and litigation costs. Government appealed, and landowners cross-appealed.

The Court of Appeals held that:

- District court did not clearly err in crediting comparable land sales relied on by landowners' expert appraiser for purposes of determining just compensation;
- District court did not clearly err in finding that landowners' established non-speculative basis for valuing property at highest and best use as industrial and residential development;
- Government, not landowners, was prevailing party under Equal Access to Justice Act based on asserting value closest to amount awarded, and thus landowners were not entitled to attorney's fees; and
- District court acted within its discretion in equally dividing costs for land commission between landowners and government.