

Bond Case Briefs

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EMINENT DOMAIN - NEW YORK

Gabe Realty Corp. v. City of White Plains Urban Renewal Agency

Supreme Court, Appellate Division, Second Department, New York - June 30, 2021 - N.Y.S.3d - 195 A.D.3d 1020 - 2021 WL 2672758 - 2021 N.Y. Slip Op. 04134

Owners of some parcels of real property within an area to be condemned commenced proceeding seeking judicial review of urban renewal agency's determination to acquire their properties by eminent domain.

The Supreme Court, Appellate Division, held that authority's bare pleading of substandard conditions did not satisfy its obligation to provide an adequate basis for eminent domain condemnation of the subject properties.

Urban renewal authority's bare pleading of substandard conditions did not satisfy its obligation to provide an adequate basis for its conclusion that remediation of urban blight was a sufficient public benefit to support eminent domain condemnation of the subject properties, although the remediation of substandard or insanitary conditions was a proper basis for the exercise of the power of eminent domain, and agency completed a full environmental assessment form pursuant to the State Environmental Quality Review Act; agency relied only on conclusory assertions of blight based on a 25-year-old urban renewal plan that in itself lacked detail or documentation, and the environmental assessment failed to identify relevant areas of environmental concern.