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Tidewater Preserve Master Association, Inc. v. Department of Transportation

District Court of Appeal of Florida, Second District - December 17, 2021 - So.3d - 2021 WL 5980701 - 46 Fla. L. Weekly D2674

Department of Transportation (DOT) filed petition for an order of taking of landowner's property as part of the construction of a new interstate bridge.

The Circuit Court granted Department's petition. Landowner appealed.

The District Court of Appeal held that DOT made a good faith effort to estimate the value of landowner's property.

Department of Transportation (DOT) made a good faith effort to determine the value of landowner's property, as required for the trial court to grant DOT's petition for an order of taking in a "quick take" proceeding to construct a new interstate bridge on landowner's property; testimony from DOT's appraiser, a state-certified real estate appraiser with 30-plus years of experience, regarding his appraisal methodology was accepted without objection, and landowner's expert, who had not yet appraised the property or even actually set foot on the property, disagreed with DOT's expert's assessment on three of its factors, which merely casted doubt on the accuracy of DOT's appraiser, but not the validity of his assessment.