

Bond Case Briefs

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EMINENT DOMAIN - NEW YORK

Niagara Falls Redevelopment, LLC v. City of Niagara Falls

**Supreme Court, Appellate Division, Fourth Department, New York - July 28, 2023 - N.Y.S.3d
----2023 WL 4837104 - 2023 N.Y. Slip Op. 04050**

Property owners commenced proceeding seeking to annul city's determination authorizing the condemnation of their property for the development of a park and associated recreational facilities.

The Supreme Court, Appellate Division, held that:

- Condemnation determination was rationally related to a conceivable public purpose, supporting confirmation of the determination;
- Contention that condemnation determination should have been annulled for city's failure to establish how it planned to pay for project and failure to conduct market study fell outside of scope of judicial statutory review;
Annulment of condemnation determination on basis of alleged failure to comply with city's comprehensive plan was not warranted;
- Annulment of condemnation determination on ground that it was excessive was not warranted;
City's identification of tax parcel numbers and street addresses of property it was condemning was sufficient to comply with statutory condemnation-notice requirements; and
- Property owners were not prejudiced by untimeliness of publication of synopsis of condemnation determination and city's findings, and thus untimeliness did not support the annulment of condemnation determination.