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EMINENT DOMAIN - MARYLAND

A & E North, LLC v. Mayor & City Council of Baltimore

Court of Appeals of Maryland - April 23, 2013 - A.3d - 2013 WL 1729497

Clean up your own damn mess; court rules that property owner is not entitled to relocation funds in order to spruce up property prior to jury visit for the purpose of determining fair market value.

City brought condemnation action to acquire property, a theater that had been used to store automobile parts and junk. Property owner contested action and filed pretrial motion to require city to pay relocation expenses to remove the junk from the theater before jury viewed the theater for purposes of determining fair market value.

The circuit court denied the motion, and after a jury trial, entered judgment on verdict determining fair market value of property.

The court of appeals held that owner was not entitled to pretrial relocation funds.

The purpose for which owner sought relocation funds was not to facilitate its move but rather to increase amount of its award by making property more attractive during viewing by jury. Owner could not be a “displaced person” entitled to relocation funds while challenging city’s right to acquire the property.

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