

# **Bond Case Briefs**

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## **EMINENT DOMAIN - NEW JERSEY**

### **Borough of Harvey Cedars v. Karan**

**Supreme Court of New Jersey - July 8, 2013 - A.3d - 2013 WL 3368225**

Borough brought condemnation action against beachfront property owners, seeking condemnation of portion of property for purposes of constructing a dune for storm protection.

The Supreme Court of New Jersey held that calculation of just compensation was required to include benefit that homeowners obtained as a result of storm protection provided by dune.

When a public project requires the partial taking of property, just compensation to the owner must be based on a consideration of all relevant, reasonably calculable, and non-conjectural factors that either decrease or increase the value of the remaining property. When a public project requires the partial taking of property, homeowners are entitled to the fair market value of their loss, not to a windfall, not to a pay out that disregards the home's enhanced value resulting from a public project.

To calculate a homeowner's loss from a partial taking arising from a public project, a court must look to the difference between the fair market value of the property before the partial taking and after the taking.