

Bond Case Briefs

Municipal Finance Law Since 1971

EMINENT DOMAIN - MINNESOTA

County of Dakota v. Cameron

Supreme Court of Minnesota - November 27, 2013 - N.W.2d - 2013 WL 6189021

County commenced condemnation action to acquire various properties to provide a right-of-way for road construction. The District Court awarded compensation to commercial property owner and awarded attorney fees and other costs. Property owner appealed.

The legal questions presented by this case relate to the operation of Minnesota's minimum-compensation statute, Minn.Stat. § 117.187 (2012), which provides a mechanism for compensating property owners who "must relocate" following the condemnation of their real property. Appellant, who had his commercial property taken by respondent County of Dakota, argued that the district court erred when it failed to award him sufficient damages under the minimum-compensation statute to purchase a "comparable property in the community."

The Supreme Court of Minnesota held that:

- Condemned property's city was the relevant community for purposes of determining award under minimum-compensation statute;
- Another liquor store in city was a "comparable property" under minimum-compensation statute, even though such other property was not available for sale;
- The lodestar approach governs the determination of the reasonableness of an award of attorney fees in an eminent-domain proceeding; and
- Trial court acted within its discretion in reducing award of attorney fees to account for property owner's limited success.