

Bond Case Briefs

Municipal Finance Law Since 1971

EMINENT DOMAIN - NEW YORK

Commissioner of Transp. v. Karp Associates, Inc.

**Supreme Court, Appellate Term, Second Dept., 2, 11 & 13 Judicial Dist - December 9, 2013
- N.Y.S.2d - 2013 N.Y. Slip Op. 23421**

Commissioner of Transportation, as condemnor, brought summary proceeding to remove a condemnee occupant from property acquired for bridge project. The Civil Court of the City of New York granted summary judgment to condemnee occupant. Condemnor appealed.

Holdings: The Supreme Court, Appellate Term, held that:

- Trial court had subject matter jurisdiction;
- Commissioner had statutory standing; and
- Commissioner was not required to plead compliance with federal regulation requiring 90-day notice for evictions with respect to federally assisted real property acquisition programs.

Pleading compliance with federal regulation requiring 90-day notice for evictions with respect to federally assisted real property acquisition programs, as distinguished from proof of compliance with the regulation, was not a condition precedent to the Commissioner of Transportation, as condemnor, maintaining a summary proceeding to remove a condemnee occupant from property acquired for bridge project, as would require dismissal of Commissioner's petition.