

# **Bond Case Briefs**

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## **EMINENT DOMAIN - NEW YORK**

### **GM Components Holdings, LLC v. Town of Lockport Indus. Development Agency**

**Supreme Court, Appellate Division, Fourth Department, New York - December 27, 2013 - N.Y.S.2d - 2013 N.Y. Slip Op. 08739**

Company petitioned for review of town agency's determination, authorizing condemnation of vacant land owned by company.

The Supreme Court, Appellate Division, held that:

- Agency's determination to exercise eminent domain power was rationally related to conceivable public purpose, and
- Agency's determination complied with statutory procedures.

On review of a condemnation determination, the Appellate Division must either confirm or reject the condemnor's determination and findings, and its review is confined to whether (1) the proceeding was constitutionally sound; (2) the condemnor had the requisite authority; (3) its determination complied with statutory procedures; and (4) the acquisition will serve a public use.

Town agency's determination to exercise eminent domain power was rationally related to conceivable public purpose, as required to support agency's decision to condemn 91 acres of company's vacant property for purpose of expanding industrial park. Agency found that since creation of park it had assisted 30 businesses, accounting for investments totaling nearly 400 million dollars and employment of 491 area residents. Agency found that there were only 33 acres of vacant land in park suitable for sale and development and that it had already sold 42 acres to a buyer, and agency also found that company's property was in proximity to park and was zoned for industrial use.

Town agency's determination complied with statutory procedures, as required to support agency's decision to condemn 91 acres of company's vacant property for purpose of expanding industrial park. Agency identified relevant areas of environmental concern, took hard look at them, and made reasoned elaboration of basis for its determination that there would be no negative impact on environment as a result of the acquisition of property.