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EMINENT DOMAIN - WASHINGTON

City of Bellevue v. Best Buy Stores, LP

Court of Appeals of Washington, Division 1 - April 21, 2014 - Not Reported in P.3d - 2014 WL 1600924

The City of Bellevue brought a condemnation action over two parcels of land in order to extend NE 4th Street. The proposed design called for a five-lane road. Best Buy Stores, LP (Best Buy), the lessor of one of the parcels, opposed the condemnation action, contending that the to-be-condemned property was not necessary to fulfill a public use. Specifically, Best Buy contended that a five-lane road was not necessary and that a four-lane road would suffice.

The Court of Appeals held that Best Buy failed to demonstrate that Bellevue's determination of public necessity was arbitrary and capricious such that it amounted to constructive fraud. "Because it is not our role to second-guess Bellevue's choice of road design, we affirm."

"Although the courts may well determine from the evidence whether a project is for the public benefit, convenience or necessity, they are not trained or equipped to pick the better route, much less design and engineer the project. Thus, the rule that leaves these decisions to the administrative agencies is a sensible one consistent with the idea that the public's business be carried out with reasonable efficiency and dispatch by those possessing the superior talents to accomplish the public purposes."

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