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EMINENT DOMAIN - OKLAHOMA

State ex rel. Dept. of Transp. v. Lamar Advertising of Oklahoma, Inc.

Supreme Court of Oklahoma - June 3, 2014 - P.3d - 2014 OK 47

Oklahoma Department of Transportation (ODOT) brought condemnation proceeding regarding outdoor advertising sign. Following a jury trial, the District Court awarded compensation to owners of sign. ODOT and owners appealed, and appeals were consolidated.

The Supreme Court of Oklahoma held that:

- Owners were entitled to the fair market value of the property interests taken, whether real or personal;
- Income generated from rental of sign's face was relevant factor for consideration in determination of fair market value;
- Trial court acted within its broad discretion in excluding evidence of possibility of relocation;
- Owners had burden of proof as to valuation of sign, even though ODOT was party that demanded jury trial; and
- Burden that owners had in order to secure jury award in excess of ten percent of commissioners' award so that they could recover attorney fees did not violate owners' due process rights.

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