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EMINENT DOMAIN - ARKANSAS

City of Jacksonville v. Nixon

Court of Appeals of Arkansas - September 24, 2014 - S.W.3d - 2014 Ark. App. 485

Property owners challenged compensation awarded for portions of land condemned as part of highway construction project. The Circuit Court awarded \$73,868.84 in damages. City appealed.

The Court of Appeals held that:

- Trees on condemned property acted as a living fence, whose removal caused compensable damage to property not taken;
- Evidence supported finding that \$41,226.25 was the value of loss following removal of living fence;
- Market value of property was for the trial court as the finder of fact;
- Property owner was qualified to render an opinion regarding value of her property; and
- Evidence supported trial court's finding regarding just compensation for city's temporary-construction easements.

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