

# **Bond Case Briefs**

*Municipal Finance Law Since 1971*

---

## **EMINENT DOMAIN - CONNECTICUT**

### **Department of Transp. v. Cheriha, LLC**

**Appellate Court of Connecticut - January 27, 2015 - A.3d - 155 Conn.App. 181**

Property owner appealed after the Department of Transportation assessed \$125,000 in damages for taking of property used for automotive related services. After a hearing, the Superior Court reassessed damages as \$243,840. Property owner appealed.

The Appellate Court held that:

- Proffered testimony of prior prospective purchaser of the property was inadmissible opinion of nonexpert, nonowner;
- Sales comparison analysis of Department's expert was proper basis for making determination as to value of the property; and
- Trial court was not required to discuss opinion testimony of property's former owner in its decision on fair market value of property.

Proffered testimony of prior prospective purchaser of property that was subject of condemnation proceeding initiated by Department of Transportation, describing the amount purchaser offered to pay for the property, constituted inadmissible opinion of nonexpert, nonowner as to the property's value, in proceedings for reassessment of damages. Although prospective purchaser could have testified to uses of the property other than for automotive-related services and had experience buying and selling commercial properties, he was neither an expert in property valuation nor was he the owner of the property, and thus he could not testify regarding market value, his intended use of the property was speculative, and the highest and best use of the property was a concept for experts to discuss.

Sales comparison analysis of condemnor's expert was proper basis for making determination as to value of property in eminent domain proceeding initiated by Department of Transportation, though expert's analysis excluded other legally conforming uses for the property, and expert's report referred to incorrect zone for the property. Property owner's own experts used automotive related services as highest and best use of the property, court reached its opinion as to market value based on properties commercially zoned and used for similar purposes, and condemnor's expert report properly identified existing use of subject property and found comparable properties based on their use for similar purposes.