

Bond Case Briefs

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EMINENT DOMAIN - FLORIDA

Ryan v. City of Boynton Beach

District Court of Appeal of Florida, Fourth District - February 4, 2015 - So.3d - 40 Fla. L. Weekly D345

Several years after entry of consent judgment in city's condemnation action against property owner, property owner moved to withdraw proceeds for property from court registry, and city filed its own motion to withdraw the proceeds to satisfy code enforcement liens. The Circuit Court denied city's motion. City appealed. The District Court of Appeal reversed and remanded. On remand, the Circuit Court denied property owner's motion for trial level and appellate attorney fees, and he appealed.

The District Court of Appeal held that:

- Property owner's entitlement to appellate fees became the law of the case, and thus, on remand, the District Court was precluded from revisiting the issue, and could not properly deny property owner's motion for appellate fees on the basis his appeal over how to obtain such funds was not directly related to the underlying condemnation proceedings;
- Property owner was entitled to appellate attorney fees pursuant to statute that governed appeals in an eminent domain action; and
- Property owner was entitled to trial level attorney fees incurred in connection with his motions for disbursement of \$99,000 held in the court's registry, and his challenge to city's resort to eminent domain proceedings to enforce its code enforcement lien.