

Bond Case Briefs

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EMINENT DOMAIN - CALIFORNIA

City and County of San Francisco v. PCF Acquisitionco, LLC

Court of Appeal, First District, Division 3, California. May 26, 2015 - Cal.Rptr.3d - 15 Cal. Daily Op. Serv. 5238 - 2015 Daily Journal D.A.R. 5735

City brought eminent domain action against landowner. The Superior Court entered judgment on special jury verdict determining the total compensation to be awarded, and denied landowner's motion to recover its litigation expenses. Landowner appealed.

The Court of Appeal held that city's final offer of compensation for taking of landowner's property was not "reasonable" because it was contingent.

City's final offer of compensation in eminent domain action was not "reasonable" under the statute providing for an award of the eminent domain defendant's litigation expenses when the plaintiff's final offer is unreasonable and the defendant's final demand is reasonable, where city's offer was contingent on the approval of the Federal Transportation Authority, the board of directors of the city municipal transportation agency, and the city board of supervisors, absent evidence that landowner had any assurance that the approvals would be forthcoming, or even that it would know whether it had a binding settlement within the 20 days before the trial was to commence.