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EMINENT DOMAIN - NEW YORK

Smithline v. Town of Harrison

Supreme Court, Appellate Division, Second Department, New York - September 23, 2015 - N.Y.S.3d - 2015 WL 5568446 - 2015 N.Y. Slip Op. 06921

Homeowners brought action challenging town's exercise of its power of eminent domain.

The Supreme Court, Appellate Division held that homeowners were afforded full opportunity to raise their objections to town's proposed condemnation, and thus town's error was harmless in omitting information regarding homeowners' right to seek judicial review in both its notice of hearing and its notice of determination, which authorized eminent domain and resolved to condemn permanent easement across homeowners' property to install underground drainage and temporary easement for access and stockpiling of materials, where homeowners appeared and participated at public hearing and timely sought judicial review of town's determination.

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