

Bond Case Briefs

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EMINENT DOMAIN - MISSISSIPPI

Mississippi Transp. Com'n v. United Assets, LLC

Supreme Court of Mississippi - February 11, 2016 - So.3d - 2016 WL 541067

Mississippi Transportation Commission (MTC) filed complaint to condemn property. After a jury trial, the Special Court of Eminent Domain awarded more than \$1.6 million as just compensation for the taking. MTC appealed.

The Supreme Court of Mississippi held that:

- MTC waived argument that appraiser's testimony was improper, and
- Jury's award was supported by substantial evidence.

Mississippi Transportation Commission (MTC) did not object to appraiser's testimony regarding after-taking value of remaining land in eminent domain case as soon as it reasonably appeared evidence was objectionable, and therefore MTC waived error for appeal, despite contention that MTC failed to object when appraiser opined that land had no commercial value and properly objected when appraiser later testified land had no value for any purpose. Appraiser's initial testimony about remainder was not limited to highest and best use, appraiser discussed both commercial and residential use, appraiser stated during voir dire that remainder was essentially worthless, and MTC did not object until after appraiser had testified several times that remainder had no value.

Jury's eminent domain award of more than \$1.6 million was supported by substantial evidence, and therefore any error in admission of appraiser's testimony regarding after-taking value of remaining land was harmless. Jury viewed property, all witnesses agreed that highest and best use of property before taking was for commercial development, testimony established that remainder would have no access for several years, and award was between values provided by appraisers.