

# **Bond Case Briefs**

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**EMINENT DOMAIN - NEW YORK**

## **In re Village of Port Chester**

**Supreme Court, Appellate Division, Second Department, New York - March 2, 2016 - N.Y.S.3d - 2016 WL 802693 - 2016 N.Y. Slip Op. 01501**

In condemnation proceeding, after principal sum of \$3,062,000 awarded to claimants after nonjury trial as just compensation for taking of real property was upheld on appeal, claimants moved for additional allowance of \$832,244.59. The Supreme Court, Westchester County, granted motion only to the extent of awarding the sum of \$406,827.44. Claimants appealed.

The Supreme Court, Appellate Division, held that the Supreme Court properly determined that an additional allowance in an amount less than what claimants requested was necessary for them to receive just and adequate compensation.

Additional allowance in an amount less than what condemnees requested was necessary for them to receive just and adequate compensation, given that portion of condemnees' efforts and costs were used to develop and present valuation theories to support a claim for compensation substantially in excess of the condemnation award, and so Supreme Court providently exercised its discretion in granting condemnees' motion for additional allowance only to the extent of awarding them \$406,827.44, despite their request for \$832,244.59.