

Bond Case Briefs

Municipal Finance Law Since 1971

EMINENT DOMAIN - NEW YORK

Village of Haverstraw v. Ray River Co., Inc.

Supreme Court, Appellate Division, Second Department, New York - March 2, 2016 - N.Y.S.3d - 2016 WL 802700 - 2016 N.Y. Slip Op. 01500

Village commenced condemnation proceeding, and the Supreme Court, Rockland County, granted that branch of landowners' motion which was, in effect, to extend their time to file notice of appearance. Village appealed.

The Supreme Court, Appellate Division, held that landowners established good cause for extension of time to file notice of appearance.

Landowners established good cause for extension of time to file notice of appearance in village's condemnation proceeding, even though landowners' counsel failed to properly file notice of appearance with clerk of court, where village was nevertheless served with notice of appearance that alerted it to landowners' claims, landowners repeatedly demanded "advance payment" for taking, requested that their expert appraisers be given access to subject property in order to assess its value, and sought to exchange "written appraisal reports," judicial viewing of property took place after village acquired property, and landowners demonstrated potential merit of their claim with expert evidence demonstrating that property was worth significantly more than amount tendered by village as advance payment.