

Bond Case Briefs

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EMINENT DOMAIN - TENNESSEE

U.S. ex rel. Tennessee Valley Authority v. 1.72 Acres of Land In Tennessee

United States Court of Appeals, Sixth Circuit - May 5, 2016 - F.3d - 2016 WL 2587141

Tennessee Valley Authority (TVA) brought action against landowner to condemn land for power line easement.

The District Court granted TVA's motion for judgment as a matter of law and awarded just compensation of \$10,000. Landowner appealed.

The Court of Appeals held that:

- Testimony by landowner's expert about impact of above ground electrical transmission lines could be excluded;
- Evidence failed to create jury question on reasonable probability of commercial rezoning;
- Landowner failed to show reasonable probability of future market demand; and
- Evidence failed to create jury question on amount of just compensation.

Testimony by landowner's expert that above ground electrical transmission lines would materially and negatively impact development, financing, and ongoing operations of any first tier limited service hotel could be excluded in Tennessee Valley Authority's (TVA) condemnation action to acquire power line easement across agricultural property. The testimony was purely speculative and not based upon any observed data, expert's report did not present any supporting evidence to show that the lines rendered development of a hotel financially unfeasible, and expert did not mention whether county would approve a rezoning, variance, or permits for commercial development.