

# **Bond Case Briefs**

*Municipal Finance Law Since 1971*

---

## **EMINENT DOMAIN - SOUTH DAKOTA**

### **State ex rel. Dep. of Transp. v. Miller**

**Supreme Court of South Dakota - December 7, 2016 - N.W.2d - 2016 WL 7157636 - 2016 S.D. 88**

State instituted quick-take condemnation action.

The Circuit Court entered judgment on jury verdict awarding owners \$551,125. State appealed.

The Supreme Court of South Dakota held that:

- Whether separate lot was to be considered as contiguous with owners' other lots was question for jury;
- Relevant values of property were values before and after taking; and
- Court's determination that a change in access amounts to a substantial impairment of access is a prerequisite to obtaining compensation for the change in access, overruling *Schuler v. Board of Supervisors of Lincoln Township*, 12 S.D. 460, 81 N.W. 890.