

Bond Case Briefs

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EMINENT DOMAIN - FLORIDA

City of Sunny Isles Beach v. Cavalry Corp.

District Court of Appeal of Florida, Third District - January 25, 2017 - So.3d - 2017 WL 361945

An eminent domain proceeding was brought concerning a portion of landowner's undeveloped man-made finger canal that city took to build a bridge for use as an emergency evacuation route to the mainland from the barrier island on which city was situated.

After a jury trial, the Circuit Court, awarded compensation to landowner in the amount sought. City appealed.

The District Court of Appeal held that conceptual plans for canal were admissible to show the highest and best use of canal as a private docking facility.

Landowner's conceptual plans to establish the highest and best use of her man-made finger canal as a private docking facility were admissible to illustrate and support her expert appraiser's testimony as part of the development approach to determine just compensation for city's taking of part of canal to build a bridge for use as an emergency evacuation route to the mainland. The testimony was based upon the actual value of the property at the time of the taking if sold for development as a private docking facility, its highest and best use, and landowner did not seek compensation based upon what could or might be done to make the property more valuable.