Bond Case Briefs

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EMINENT DOMAIN - MARYLAND

Wireless One, Inc. v. Mayor of Baltimore City

Court of Special Appeals of Maryland - December 21, 2018 - A.3d - 2018 WL 6715255

Former tenant, which was informed that it did not fit into redevelopment plans for city's commercial facility, brought action against city and property manager, asserting that tenant was displaced person and was entitled to receive compensation for relocation expenses.

The Circuit Court granted defendants' motion to dismiss for failure to state a claim. Former tenant appealed.

The Court of Special Appeals held that:

- Tenant was not a "displaced person" and thus was not entitled under eminent-domain statute to compensation for relocation expenses, and
- Strict compliance with separate-document requirement, which provided that judgment was required to be set out on separate document, was waived by parties.

Tenant, who rented space in city's commercial facility under month-to-month lease, was not a "displaced person" and thus was not entitled under eminent-domain statute to compensation for relocation expenses, which were incurred when tenant vacated facility after being informed that tenant did not fit into redevelopment plans for facility, where lease was executed many years after city acquired title to facility.

Strict compliance with separate-document requirement, which provided that judgment was required to be set out on separate document, was waived by city, property manager, and former tenant of city's commercial facility regarding trial court's granting of city and property manager's motion to dismiss for failure to state a claim in former tenant's action seeking compensation under eminent-domain statute for relocation expenses, where no party objected to form of trial court's order of dismissal, and docket entry accurately set forth substance of trial court's judgment.

Separate document requirement, which provides that a judgment must be set out on a separate document, is not jurisdictional, and strict compliance may be waived where a technical application of the separate document requirement would only result in unnecessary delay.