

Bond Case Briefs

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EMINENT DOMAIN - NEW HAMPSHIRE

Torromeo Industries v. State

Supreme Court of New Hampshire - March 13, 2020 - A.3d - 2020 WL 1237205

Property owner sought judicial review of determination of Board of Tax and Land Appeals (BTLA) ordering \$35,000 in just compensation for state's taking of owner's land by eminent domain.

The Superior Court awarded property owner \$70,800 in condemnation damages. After state's motion for reconsideration was denied, state appealed.

The Supreme Court held that:

- There was no evidence supporting determination that before taking value of residential lot was the same as its after taking value under sales comparison approach;
- Finding that there had been no change to rental income from residential lot following the taking was not dispositive with regard to whether lot changed value under income capitalization approach; and
- Even if there were evidence supporting determination that value of residential lot remained the same before and after the taking under the income capitalization approach, trial court's determination would not be affirmed on that basis.