

# **Bond Case Briefs**

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## **EMINENT DOMAIN - NEW YORK**

### **River Street Realty Corp. v. City of New Rochelle**

**Supreme Court, Appellate Division, Second Department, New York - March 11, 2020 - 181 A.D.3d 676 - 121 N.Y.S.3d 107 - 2020 N.Y. Slip Op. 01619**

Property owner brought action challenging city's decision authorizing the taking of the property by eminent domain in order to relocate a firehouse, and finding that no environmental impact statement was required concerning that action.

The Supreme Court held that:

- City provided proper notice to public of hearing on its proposed taking;
- Error in city's post-hearing notice to property owner was harmless;
- City's taking was valid; and
- Environmental impact statement was unnecessary.

City provided proper notice to public of hearing on its proposed taking of owner's property by eminent domain in order to relocate a firehouse, where, following hearing, city made its determination and findings within 90 days of hearing's conclusion, as required by statute.

Failure of city's notice to property owner, following hearing on city's proposed taking of property by eminent domain in order to relocate a firehouse, to strictly comply with Eminent Domain Procedure Law article governing determination of need and location of a public project prior to acquisition was harmless error, where property owner had been advised of its judicial remedies in a prior notice, and commenced proceeding seeking judicial review of city's determination in a timely manner.

City's taking of property by eminent domain was valid; taking served public purpose of relocating firehouse, city had broad discretion to decide what land was necessary to fulfill its stated purpose, there was no evidence that taking was excessive, fact that a private developer would receive an incidental benefit as a result of taking did not invalidate it, and property owner's unsubstantiated allegations fell far short of clear showing necessary to establish that city acted in bad faith.

Environmental impact statement was not necessary concerning city's taking of property by eminent domain in order to relocate firehouse, and therefore city did not fail to comply with State Environmental Quality Review Act (SEQRA) when it issued negative declaration obviating need for such a statement; city filled required environmental assessment form prepared in connection with proposed condemnation, conducted requisite examination of relevant areas of environmental concern, and identified no major environmental impacts, and property owner failed to assert any significant potential for environmental harm that might result from project.