

Bond Case Briefs

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EMINENT DOMAIN - UTAH

Utah Department of Transportation v. Boggess-Draper Company, LLC

Supreme Court of Utah - June 11, 2020 - P.3d - 2020 WL 3118665 - 2020 UT 35

The Department of Transportation (DOT) brought eminent domain action against property owner.

The Third District Court entered judgment on jury verdict awarding property owner over \$1.7 million. the DOT appealed, and property owner cross-appealed.

The Supreme Court, Lee held that:

- Post-valuation-date sale or other development of the remaining property was potentially relevant evidence, and not subject to a categorical bar under the Utah Code;
- District Court's error in categorically excluding evidence of post-valuation-date sale or other development of the remaining property was harmful to the DOT, and thus, constituted reversible error; and
- Guarantee of just compensation under the takings clause of the Utah Constitution did not extend to costs and fees incurred by property owner in addition to his damages to the market value of the remaining property.