

Bond Case Briefs

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EMINENT DOMAIN - NEW JERSEY

State by Commissioner of Transportation v. St. Mary's Church Gloucester

Superior Court of New Jersey, Appellate Division - August 14, 2020 - A.3d - 2020 WL 4722822

After the Commissioner of Transportation condemned property for use in a highway construction project, Commissioner deposited an amount into court's trust fund, and jury thereafter awarded property owner just compensation which exceeded the deposited amount.

In response to a dispute regarding interest due as part of just compensation award, the Superior Court issued order awarding simple interest at rate of six percent on the balance of just compensation. Commissioner appealed and property owner cross-appealed.

As a matter of first impression, the Superior Court, Appellate Division, held that enactment of the general repealer provision of Eminent Domain Act of 1971 impliedly repealed provision of statute governing acquisition of land for the construction of state highways, which mandated fixed six percent interest rate on just compensation awards.