

Bond Case Briefs

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INVERSE CONDEMNATION - MISSISSIPPI

Bay Point Properties, Inc. v. Mississippi Transportation Commission

Supreme Court of Mississippi - October 29, 2020 - So.3d - 2020 WL 6334788

Landowner filed inverse condemnation proceedings against the Mississippi Transportation Commission (MTC), claiming the easement MTC had across landowner's property had terminated and that MTC was required to pay landowner the unencumbered value of the property.

The Circuit Court entered judgment on jury verdict finding that the easement, for which MTC had paid \$50,000, continued to encumber the property, but that the use by MTC was not a highway purpose and awarding landowner the encumbered value of \$500.00 and no attorney fees. Landowner appealed. The Supreme Court, en banc, affirmed in part, reversed in part, and remanded for award of attorney fees. On remand, the Circuit Court awarded fees, but not in amount requested, and landowner appealed.

Trial court's decision, in making award of prevailing party attorney fees to landowner in inverse condemnation action, to place greater weight on the results obtained and to award landowner only \$67,277.35 in attorney fees, costs and expenses, not the \$880,171.81 that it sought for obtaining an inverse condemnation award in nominal amount of \$500.00, was not unmistakable or indisputable error and could not be disturbed under a "manifest abuse of discretion" standard of review.