

Bond Case Briefs

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EMINENT DOMAIN - NEW HAMPSHIRE

State v. Beattie

Supreme Court of New Hampshire - November 19, 2020 - A.3d - 2020 WL 6788764

Landowners appealed from decision of the Superior Court, dismissing, with prejudice, their preliminary objection challenging the State's taking of 0.93 acres of their land in fee simple, as well as permanent and temporary easements.

The Supreme Court held that:

- Standard of review in eminent domain case involving condemnation of land for alteration for state highway is governed by Eminent Domain Procedure Act, and not by the enabling statute;
- De novo is the appropriate standard of review under Eminent Domain Procedure Act for trial court's review of preliminary objections that challenge necessity, public uses, or net-public benefit; and
- Application of de novo standard of review for trial court's review of preliminary objections that challenge necessity, public uses, or net-public benefit under Eminent Domain Procedure Act does not impermissibly enlarge condemnee's substantive rights.