

Bond Case Briefs

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EMINENT DOMAIN - ALABAMA

South Grande View Development Company, Inc. v. City of Alabaster, Alabama

United States Court of Appeals, Eleventh Circuit - June 21, 2021 - F.4th - 2021 WL 2525190

Real estate developer brought § 1983 action alleging that city's rezoning of parcel owned by developer constituted regulatory taking without just compensation in violation of Fifth Amendment.

Following decisions on motions in limine to exclude certain evidence, the United States District Court for the Northern District of Alabama entered judgment, upon a jury verdict, in favor of developer in the amount of approximately \$3.5 million. City appealed.

The Court of Appeals held that:

- Action was ripe for adjudication, notwithstanding that developer did not seek variance from city ordinance;
- Testimony about city's motivation for ordinance that rezoned parcel owned by real estate developer was not relevant;
- Admission of irrelevant evidence about city's motivation was harmless error;
- City's challenge to certain valuation evidence was not preserved on appeal; and
- Foreclosure evidence was not relevant.