
EMINENT DOMAIN - IOWA

Matter of Condemnation of Certain Rights in Land for Extension of Armar Drive Project By City of Marion

Supreme Court of Iowa - May 6, 2022 - N.W.2d - 2022 WL 1434872

Family trust that owned undeveloped land appealed determination of Compensation Commission awarding it $403,000 as just compensation for city's condemnation of part of the land.

The District Court limited testimony of trust beneficiary, who testified as property owner, regarding comparable sales and, following a jury trial, entered judgment awarding owner $82,900 in damages. Trust appealed. The Court of Appeals affirmed. Trust applied for further review, which was granted.

The Supreme Court held that:

- Beneficiary's testimony and evidence of comparable sales, which included deeds, were not inadmissible on hearsay grounds;
- Beneficiary acquired personal knowledge of comparable sales, as required for admission of lay opinion testimony; but
- As an issue of first impression, beneficiary was unqualified to testify as expert regarding specific allegedly comparable sales of developed property.

Property owner's testimony and evidence of allegedly comparable sales, including deeds for other property sales from which sale price could be calculated within $500 based on the transfer tax paid, were not inadmissible on hearsay grounds, in condemnation proceeding regarding owner's property that was subject to partial taking, under exceptions to hearsay rule for public records, for records of documents that affect interest in property, and for statements in documents that affect an interest in property, statute governing instruments affecting real estate, and rules governing authentication of records.

Property owner acquired personal knowledge of allegedly comparable sales of other properties, as required for admission of lay opinion witness testimony as to value of owner's property in condemnation proceeding to determine just compensation for partial taking of land, even though owner was not buyer, seller, or real estate agent in the other sales transactions, where owner reviewed public real estate records and personally inspected the other sites.

Property owner of undeveloped land was unqualified to testify as expert regarding specific allegedly comparable sales of developed property, for purposes of valuing owner's property that was partially taken in condemnation proceeding, where owner was former restaurant manager with limited real estate experience.

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