

# **Bond Case Briefs**

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## **EMINENT DOMAIN - RHODE ISLAND**

### **Mitola v. Providence Public Buildings Authority**

**Supreme Court of Rhode Island - May 9, 2022 - A.3d - 2022 WL 1446737**

Property owners filed petition for assessment of damages, and petition to compel purchase in fee.

The Superior Court denied petition to compel purchase in fee, and entered final judgment. Owners appealed.

The Supreme Court held that:

- On issue of first impression, obligation of public building authority to purchase property in fee simple, if property owner so requested, was time limited;
- Petition to compel purchase in fee was timely filed;
- Owners' nearly four-year delay in bringing petition to compel purchase in fee was not inexcusable;
- Authority was not significantly prejudiced by owners' delay in bringing petition to compel purchase in fee; and
- Taking in fee by public building authority had to be based on value of property at time of taking.