

Bond Case Briefs

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EMINENT DOMAIN - LOUISIANA

City of Baton Rouge v. Mucciacciaro

Court of Appeal of Louisiana, First Circuit - May 25, 2022 - So.3d - 2022 WL 1658374 - 2021-0656 (La.App. 1 Cir. 5/25/22)

City filed petition for expropriation seeking to acquire for the expansion of a roadway three separate parcels of land owned by landowner that contained restaurant, office, and rental property.

The District Court entered an order of expropriation, expropriating the three parcels, ordered city to deposit the sum of \$1,515,278 into the registry of the court, and ordered landowner to surrender the properties.

Following landowner's answer and reconventional demand seeking additional compensation, in a bench trial the District Court awarded landowner \$3,669,143 as just compensation in addition to the earlier deposit, twenty-five percent attorney fees, and all court costs. City appealed.

The Court of Appeal held that:

- Trial court abused its discretion by limiting testimony of city's real estate appraisal expert regarding valuation of restaurant property in not permitting expert to expound on her calculated just compensation and refusing to allow city to fully question her concerning whether property was unique or indispensable;
- Restaurant property was not considered unique and indispensable and thus landowner was not entitled to replacement cost without depreciation as just compensation for partial expropriation;
- Landowner failed to prove by preponderance of the evidence his entitlement to higher value of just compensation than the \$1,325,238 deposited for expropriated portion of restaurant property;
- Remainder of restaurant property not subject to expropriation did not constitute uneconomic remainder but did result in parcel to have more limited utility and thus landowner was entitled to severance damages of \$262,495;
- Trial court manifestly erred in finding landowner met burden of proving another highest and best use for his office property and thus just compensation of \$71,500 was appropriate;
- Trial court did not manifestly err in finding landowner met burden of proving that city did not justly compensate him for taking of portion of rental property; and
- Trial court did not manifestly err in finding landowner was entitled to lost rental profits of \$8,000 for rental property.