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EMINENT DOMAIN - NEW YORK

20 Rewe Street, Ltd. v. State

Supreme Court, Appellate Division, Second Department, New York - September 14, 2022 - N.Y.S.3d - 2022 WL 4230493 - 2022 N.Y. Slip Op. 05145

Landowner brought action against State for damages from partial taking of real property. Following nonjury trial, the Court of Claims rendered judgment in favor of landowner, and awarded landowner $3,310,500 in damages. Landowner appealed.

The Supreme Court, Appellate Division, held that record supported trial court's pre-taking value of real property based on State's appraisal.

Record supported trial court's $4,389,000 pre-taking value of landowner's real property based on State's appraisal, in action to recover damages arising from a partial taking of real property; comparable sales proffered by State's expert were sufficiently similar to serve as a guide to the market value of the property, notwithstanding differences between the comparables and the property, and State's appraiser sufficiently and credibly explained the basis for his selection of comparable properties and relevant adjustments made to the valuation of the properties, and evidence supported trial court's rejection of certain adjustments made by landowner's appraiser.

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