

# **Bond Case Briefs**

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**EMINENT DOMAIN - NEW YORK**

## **Bowers Development, LLC v. Oneida County Industrial Development Agency**

**Supreme Court, Appellate Division, Fourth Department, New York - December 23, 2022 - N.Y.S.3d - 211 A.D.3d 1495 - 2022 WL 17882632 - 2022 N.Y. Slip Op. 07327**

Owner of certain real property that had been condemned by eminent domain by county industrial-development agency for use as a surface parking lot associated with hospital and healthcare facility petitioned to annul condemnation determination.

The Supreme Court, Appellate Division, held that agency lacked authority to condemn property because the primary purpose was not a commercial purpose.

County industrial-development agency's determination to condemn certain real property by eminent domain for purposes of using property as a surface parking lot associated with a hospital and healthcare-facility project exceeded its authority and would thus be annulled, where the primary purpose of the condemnation was not a commercial purpose, and agency's authority did not include the power to condemn property for projects related to hospital or healthcare-related facilities.