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EMINENT DOMAIN - INDIANA

Guzzo v. Town of St. John, Lake County

Court of Appeals of Indiana - January 19, 2023 - N.E.3d - 2023 WL 309619

In eminent domain action, the Superior Court granted town's motion for summary judgment.

Property owners appealed, and transfer was granted.

The Supreme Court remanded. On remand, the Superior Court denied property owners' motion for partial summary judgment and entered final judgment as to fair market value of property. Property owners appealed.

The Court of Appeals held that:

- Eminent-domain statute defining "residential property," as would trigger particular rate of required compensation, as, inter alia, a single-family "dwelling" does not imply a requirement of habitability, and
- Property at issue was residential property.

Eminent-domain statute defining "residential property," as would trigger particular rate of required compensation, as, inter alia, a single-family "dwelling" does not imply a requirement of habitability.

Condemned property was "residential property" that would require compensation of property owners at statutory rate of 150 percent of fair market value, even though dwelling on property was not subject of personal use, where dwelling was a single-family dwelling, and it was not owned for purposes of resale, rental, or leasing.

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