

# **Bond Case Briefs**

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## **EMINENT DOMAIN - GEORGIA**

### **Kudzu Capital, LLC v. City of Decatur**

**Court of Appeals of Georgia - June 7, 2023 - S.E.2d - 2023 WL 3859348**

City brought condemnation action against subdivision property owner seeking to condemn the property and requested appointment of special master.

Following a hearing, the special master awarded property owner \$2,180,000. Both property owner and city appealed the award and requested a jury trial. In jury trial, the Superior Court incorporated the jury's verdict into a final judgment and awarded property owner \$1,400,000. Property owner appealed.

The Court of Appeals held that:

- Price owner paid for the property and the corresponding tax certificate were relevant in determining the fair market value of the property;
- Evidence of property owner's alleged right to require city to open right-of-way for vehicular use for roadway that abutted the property was inadmissible;
- Property owner was permitted by trial court to present evidence pertaining to its representative's dealings with city prior to the condemnation proceeding;
- Property owner's request to charge jury were adequately covered by the other general instructions given by the trial court; and
- Trial court did not err by charging jury that a county or municipality had no obligation to "open" an undeveloped road.