

Bond Case Briefs

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EMINENT DOMAIN - MINNESOTA

State by Commissioner of Transportation v. Schaffer

Court of Appeals of Minnesota - August 7, 2023 - 995 N.W.2d 177

After owner of condemned land rejected state's offer of the \$43,000 at which state had valued the land, state, by the Commissioner of Transportation (MnDOT), brought eminent-domain condemnation proceeding.

Following a hearing, court-appointed commissioners valued the taking at \$92,000. After MnDOT had tendered payment in full with interest, the District Court granted owner's motion for an award of statutory attorney fees and costs and, following a hearing, awarded owner reasonable attorney fees of \$63,228, in excess of the \$16,333.33 owner owed attorney under their contingency-fee agreement. MnDOT appealed.

As a matter of first impression, the Court of Appeals held that an award of statutory attorney fees in an eminent-domain proceeding is not limited to the amount specified in the landowner's attorney-fee agreement.

An award of statutory attorney fees in an eminent-domain proceeding, under statute providing for the award of reasonable attorney fees to a landowner if the final judgment or damages award in the proceeding is more than 40 percent greater than the condemning authority's last written offer, is not limited to the amount specified in the landowner's attorney-fee agreement.