

Bond Case Briefs

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United States Upon Relation of Tennessee Valley Authority v. Easements and Rights-of-Way Over Land in DeSoto County, Mississippi

United States District Court, N.D. Mississippi, Oxford Division - November 9, 2023 - F.Supp.3d - 2023 WL 7412938

United States, upon relation and for use of Tennessee Valley Authority (TVA), filed condemnation action to acquire permanent easements and rights-of-way across parcels of owner's golf course property, in order for TVA to build and maintain electric power transmission line project.

Government moved to exclude testimony by owner's retained expert offering his appraisal of value of property rights in order to determine just compensation.

The District Court held that:

- Expert's methodology for determining just compensation was not reliable;
- Expert's appraisal methodology violated unit rule;
- Expert improperly determined highest and best use of easement area was residential;
- Expert improperly valued taking of easement area as fee take;
- Expert improperly opined that owner should be compensated for frustration-of-purposes damages;
- Expert's calculation of cost-to-cure damages was improper; and
- Expert's ipse dixit opinion of incurable damages to remaining property was unsupported.