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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 - February 2, 2024 - N.Y.S.3d - 2024 WL 395766 - 2024 N.Y. Slip Op. 00523

Owners of certain real property that had been condemned by county industrial-development agency for use as a surface parking lot associated with a private medical facility petitioned to annul the agency's condemnation determination.

The Supreme Court, Appellate Division granted owners' petition. Agency appealed. The Court of Appeals reversed.

Upon remittitur, the Supreme Court, Appellate Division, held that:

- Proper procedural vehicle for owners' contention that agency's financial assistance to construction project violated statutory anti-pirating provisions was proceeding pursuant to article 78;
- Agency's determination to exercise eminent domain power to acquire property for use as parking lot was rationally related to public purpose; and
- Agency did not improperly segment its environmental review.

County industrial-development agency's determination to exercise its eminent domain power to acquire owners' property for use as a surface parking lot was rationally related to a conceivable public purpose, notwithstanding the fact that the need for the parking lot was due in part to the construction of a private medical facility; agency's acquisition of the property would serve the public use of mitigating parking and traffic congestion.