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EMINENT DOMAIN - NEW YORK

3649 Erie, LLC v. Onondaga County Industrial Development Agency

Supreme Court, Appellate Division, Fourth Department, New York - November 15, 2024 - N.Y.S.3d - 2024 WL 4798235 - 2024 N.Y. Slip Op. 05673

Property owner filed petition against county's industrial development agency and developer seeking to annul the agency's authorization of the condemnation of owner's property in connection with the redevelopment of a former shopping mall.

The Supreme Court, Appellate Division, held that:

- Agency's intended use for owner's property was not residential or retail in nature, and thus, agency's acquisition of the property was within agency's statutory jurisdiction;
- Any challenge to agency's authority to finance project that contained residential component was properly raised in an article 78 proceeding;
- Even if agency was constitutionally required to establish source of just compensation for owner, it did so;
- Agency's review pursuant to State Environmental Quality Review Act (SEQRA) was not improperly deferred or segmented; and
- Agency's redevelopment of the mall would serve a legitimate public use.

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