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EMINENT DOMAIN - VERMONT

Agency of Transportation v. Timberlake Associates, LLC

Supreme Court of Vermont - December 13, 2024 - A.3d - 2024 WL 5100560 - 2024 VT 83

Agency of Transportation (AOT) filed complaint seeking a determination of necessity for the proposed highway interchange project that would involve taking private land.

The Superior Court determined that the taking was necessary and that AOT satisfied its pre-suit obligation to negotiate with landowner. Landowner appealed.

The Supreme Court held that:

- Competent evidence supported finding that AOT taking of land for highway interchange project was necessary;
- Competent evidence supported finding that AOT considered the statutory factors for determining that taking of land for highway interchange project was necessary; and
- AOT complied with statutory mandate to negotiate with landowner prior to filing condemnation suit.

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