

Bond Case Briefs

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EMINENT DOMAIN - GEORGIA

Department of Transportation v. 5.85 Acres of Land and Certain Easements Rights

Court of Appeals of Georgia - October 2, 2025 - S.E.2d - 2025 WL 2801669

Property owner appealed condemnation of 5.85 acres of property by Department of Transportation (DOT), which planned to use the condemned property to construct a bypass around the city and offered owner \$37,200 as just and adequate compensation.

Following a jury verdict in owner's favor, awarding damages in the amount of \$1,500,000, the Superior Court denied DOT's motion for new trial. DOT appealed.

The Court of Appeals held that jury's award to owner of \$1,500,000 was so excessive as to justify inference of gross mistake or undue bias.

Jury's award to property owner of \$1,500,000 was so excessive as to justify inference of gross mistake or undue bias, in proceeding, pursuant to takings clauses of federal and state constitutions, regarding condemnation of 5.85 acres of property by Department of Transportation (DOT) to construct bypass around city; considering possibility that jury applied cost of \$124,565 per acre, the highest comparable sale amount used by an expert, 5.85 acres taken would only equal \$728,705.25, expert who testified about setback did not assign a value to it, nor was she certain about size of setback, highest estimated value as to consequential damages was \$445,600, leaving \$325,694.75 unaccounted for, and any upward deviation for consequential damages in that amount was unsupported by evidence.