

Roetzel's Eminent Domain Group Wins \$1.2 Million Jury Verdict for National Retail Client

Roetzel has a robust eminent domain practice representing property owners when government entities exercise the power of eminent domain to take property for public use. Recently, Roetzel shareholder Jeremy S. Young, in coordination with local counsel, concluded a successful jury trial on behalf of one of the firm's national retail clients, winning a \$1.2 million verdict and then defeating a motion for new trial filed by the municipal condemning authority.

Roetzel's client has a store on a main thoroughfare in St. Charles, Missouri, a St. Louis suburb. The City of St. Charles was the condemning authority and proposed to take nearly 20% of the client's property to construct a permanent road right-of-way and utility easements. The taking also involved a significant reduction in the quality of access to the property.

As the retailer's experts testified at trial, this change of access would lead to safety issues with passenger car and delivery truck access to the property. Indeed, the appraiser testified that the property would no longer be suitable for use as a retail store, or for any other high intensity commercial use, after the taking, and would instead be relegated to some sort of secondary commercial use.

The trial in this case involved complex appraisal and engineering issues relating to comparable sales analysis and vehicular internal circuitry of travel. Mr. Young successfully tried the case to a St. Charles County jury over the course of three days in late October 2019. The jury returned a verdict of \$1,208,600, *which was \$874,406 higher than the court-appointed commissioners' award, and \$756,317 higher than the City's appraisal.* This outcome on behalf of Roetzel's client was a remarkable victory, particularly because Mr. Young was up against a somewhat hostile jury pool that expressed distaste for corporate profits and misuse of their tax money during jury selection.

Then rather than accepting the jury's verdict, the City filed a motion for new trial, arguing that certain evidence about the taking's negative effect on vehicle movement within the property should not have been admitted at trial because both parties' appraisers valued the property as vacant land for commercial redevelopment, rather than based on the property's existing use as a retail store. The City further argued that the admission of that evidence led to a runaway verdict.

Recognizing ahead of time that this would be an argument raised by the City, Mr. Young was careful to elicit helpful testimony at trial from the retailer's experts to help defeat the City's motion.

In the end, the court ruled that the impressive jury verdict would remain in effect. Thus, Roetzel is pleased to announce this excellent result on behalf of its client.

If you have any questions, please contact any of the following Roetzel attorneys.

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