

SUMMARY STATEMENT

ACHD v. Brooke View, Docket No. 43452

In an appeal arising out of Ada County, the Idaho Supreme Court vacated the district court's judgment and award of attorney's fees and costs. On appeal, the Ada County Highway District ("ACHD") appealed a district court judgment awarding \$148,390.21 to Brooke View, Inc. ("Brooke View") as just compensation for a piece of Brooke View's property that ACHD condemned and took under the State's eminent domain powers. ACHD argued that the district court misapplied the law by allowing Brooke View to recover the cost to fix damage to a wall on Brooke View's property, which the jury found had been caused by construction on the taken property. Brooke View countered that damages caused during construction to its remaining property were a rightful part of just compensation in eminent domain proceedings.

On appeal, the Idaho Supreme Court held that: (1) the district court erred in interpreting just compensation under Idaho Code section 7-711(2)(a) as including any physical damages that accrue to remaining property during the construction of any improvements; (2) under 7-711(2)(a), just compensation includes any decrease in the value of remaining property based on the future existence of any planned improvements and the planned uses of those improvements; (3) the instructions submitted to the jury were error that prejudiced ACHD; (4) the district court erred in admitting testimony and other evidence of events, activities, and damages that occurred during the construction of improvements on the property at issue; and (5) the district court's award of attorney's fees to Brooke View is vacated because Brooke View is no longer the prevailing party below. The case was remanded for further proceedings in accordance with the Idaho Supreme Court's Opinion. Costs on appeal were awarded to ACHD.