

SUPREME COURT OF OKLAHOMA

State of Oklahoma ex rel. Department of Transportation v. Billy E. and Martha J. Little, Husband and Wife, and the Cherokee County Treasurer, 2004 OK 74

100 P.3d 707 (Okla. 2004) · No. No. 96,978 · Decided September 21, 2004

SUMMARY

The Oklahoma Supreme Court held that relocation assistance statutes were not the exclusive remedy for recovering unreimbursed moving and related expenses in a condemnation proceeding. The court also held that the record did not establish that the jury awarded duplicate compensation for improvements and relocation-related costs. It vacated most of the Court of Civil Appeals' opinion but left undisturbed the required post-remand reduction and award of an appeal-related counsel fee because the landowners had not sought certiorari relief on those issues.

CASE DETAILS

COURT	Supreme Court of Oklahoma
WRITING FOR THE COURT	Opala, V.C.J.; All Justices concur
JURISDICTION	Oklahoma
DECIDED	September 21, 2004
DOCKET	No. 96,978
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	ODOT sought certiorari review of a Court of Civil Appeals decision in a condemnation action. The intermediate court had affirmed the trial judgment in part, reversed it in part, and remanded for a reduction of the award based on its conclusion that the landowners were required to exhaust administrative remedies under the federal and state relocation assistance acts.
STANDARD OF REVIEW	Statutory interpretation and legal rulings are reviewed de novo. Evidentiary rulings concerning the range of inquiry into property value in an eminent-domain proceeding are reviewed for abuse of discretion.
PRECEDENTIAL VALUE	Published Oklahoma Supreme Court opinion; precedential.

PARTIES

State of Oklahoma ex rel. Department of Transportation v. Billy E. Little, Martha J. Little, Cherokee County Treasurer

TOPICS

real estate administrative law statutory interpretation appellate procedure remedies

PRACTICE AREAS

real estate eminent domain administrative law appellate procedure remedies

QUESTIONS PRESENTED

1. Whether receipt of an administratively determined relocation-assistance payment precluded the landowners from seeking reimbursement for additional relocation expenses in the condemnation proceeding.
2. Whether the federal and Oklahoma relocation assistance acts provided the exclusive remedy for moving and related expenses arising from a condemnation.
3. Whether the record established that the jury awarded duplicate compensation for improvements and relocation-related costs.
4. Whether the Court of Civil Appeals' remand for a reduction of the judgment could be disturbed when the landowners had not filed their own certiorari petition.

HOLDINGS

1. The federal Uniform Relocation Assistance and Real Property Acquisition Act and the Oklahoma Relocation Assistance Act are not exclusive remedies for moving and related expenses when those expenses are recoverable as an element of just compensation in a state condemnation proceeding.
2. Reasonable moving and related expenses caused by a condemnation are recoverable as an element of just compensation under Oklahoma law, whether the taking is characterized as total or partial.
3. The landowners were not required to exhaust administrative remedies before seeking moving expenses in the condemnation proceeding, and the record did not establish an administrative determination that could preclude their claim.
4. The record did not establish that the jury awarded duplicate compensation for improvements, utilities, septic-system work, or relocation expenses, and the trial court did not abuse its discretion by admitting the challenged evidence.

KEY QUOTATIONS

"In short, the relocation assistance acts are not the exclusive remedy for reimbursement of moving and related expenses in those jurisdictions where such expenses are recoverable in a condemnation proceeding."
(100 P.3d 718)

“In summary, landowners were not required to proceed under the relocation assistance acts for the recovery of their moving and related expenses, such expenses being an element of just compensation in an eminent domain proceeding.” (100 P.3d 720)

“In short, ODOT has failed to point to record proof of duplicated compensation.” (100 P.3d 722)

FACTUAL BACKGROUND

ODOT acquired the Littles' approximately 1.21-acre tract in Cherokee County for a federally assisted highway-widening project. The property housed the Littles' boat-repair business, and ODOT determined that the entire tract was needed even though only part would be occupied by the widened highway. The Littles received approximately \$13,500 in relocation assistance, but the record did not establish how the payment was determined or whether a final administrative order existed. At trial, the jury awarded \$265,000 in a lump sum, and ODOT challenged the inclusion of unreimbursed moving expenses and alleged duplicate compensation for improvements.

PROCEDURAL HISTORY

ODOT condemned approximately one acre used by the Littles for a boat-repair business. Commissioners awarded \$199,100, while a jury awarded \$265,000, and the district court entered judgment on March 27, 2001. After ODOT's post-trial motions were denied, the Court of Civil Appeals initially dismissed ODOT's appeal as untimely; the Supreme Court vacated that decision and remanded for consideration on the merits. The Court of Civil Appeals then affirmed in part, reversed in part, and remanded for a reduction of the judgment. The Supreme Court granted ODOT's certiorari petition, vacated the Court of Civil Appeals opinion in part, left the mandated reduction and counsel-fee award undisturbed because the landowners had not sought certiorari relief, and remanded for proceedings consistent with its opinion.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The cause was remanded to the trial court for further proceedings consistent with the Supreme Court's pronouncement. The Court of Civil Appeals' remand directing a post-remand reduction in the judgment and its award of an appeal-related counsel fee were left undisturbed because the landowners did not seek certiorari review of those portions.

CASES CITED

- Fulsom v. Fulsom, 2003 OK 96, 81 P.3d 652
- Kluver v. Weatherford Hospital Authority, 1993 OK 85, 859 P.2d 1081
- Tate v. Browning-Ferris, Inc., 1992 OK 72, 833 P.2d 1218
- Blincoe v. Choctaw, Oklahoma & Western R.R., 1905 OK 120, 16 Okla. 286, 83 P. 903
- Oil Fields & Santa Fe Railway Co. v. Treese Cotton Co., 1920 OK 56, 78 Okla. 25, 187 P. 201

- City of Oklahoma City v. Hamilton, 1999 OK CIV APP 62, 984 P.2d 247
- Graham v. City of Duncan, 1960 OK 149, 354 P.2d 458
- Driver v. Oklahoma Turnpike Authority, 1959 OK 88, 343 P.2d 1079
- Lone Star Helicopters, Inc. v. State, 1990 OK 111, 800 P.2d 235
- Feightner v. Bank of Oklahoma, N.A., 2003 OK 20, 65 P.3d 624
- Nealis v. Baird, 1999 OK 98, 996 P.2d 438
- Hough v. Leonard, 1993 OK 112, 867 P.2d 438
- State ex rel. Department of Highways v. Aker, 1973 OK 21, 507 P.2d 1227
- Okla. Turnpike Authority v. New Life Pentecostal Church of Jenks, 1994 OK 9, 870 P.2d 762
- U.S. v. 249.12 Acres of Land More or Less, 414 F. Supp. 933 (W.D. Okla. 1976)
- Atkinson v. Halliburton Co., 1995 OK 104, 905 P.2d 772
- Robzen's, Inc. v. U.S. Department of Housing and Urban Development, 515 F. Supp. 228 (M.D. Pa. 1981)
- Malone v. Division of Administration, State of Florida Department of Transportation, 438 So. 2d 857 (Fla. App. 1983)
- Louisiana Department of Highways v. Coleman, 444 F. Supp. 151 (M.D. La. 1978)