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DOT pays \$570K* for taking three driveways

■ PHILLIP BANTZ

After initially threatening to withdraw an offer of \$231,000 in an eminent domain action, the North Carolina Department of Transportation has agreed to pay \$570,000 to the owner of a furniture store in Forsyth County. The DOT made its first offer after taking three of the 42,000-squarefoot furniture store's four driveways while extending Macy Grove Road to lure a FedEx Ground hub to Kernersville, according to the store owner's attorney, Jason Campbell of Durham. The driveway closures left the store with a single entrance and exit that was "so narrow people weren't sure a tractor-trailer could make the turn into the driveway," Campbell said. "It [the truck] looks like it's going to scratch the side of the building, but it made it, barely," he added. "If two cars met each other coming through this little driveway one would have to back up." The store owner, Jackie Landreth, hemorrhaged an estimated \$500,000 in annual gross sales after the DOT closed the driveways, but the state does not pay for lost business, only taken land and damaged property values.

SETTLEMENT REPORT

EMINENT DOMAIN

Amount: \$570,000

Case name: DOT v. Landreth Properties Kernersville LLC

Court: Forsyth County Superior Court

Case No. 13-CVS-3345

Judge: Ed Wilson

Date of settlement: Finalized Aug. 17; payment received Sept. 8

Attorneys for plaintiff s: Assistant Attorney General J. Aldean Webster 3rd of Raleigh

Attorneys for defendant: Jason Campbell, Stanley Abrams and Kenneth Bryan of the NC Eminent Domain Law Firm in Durham



Campbell

The DOT had deposited \$231,000 as an initial offer, but Campbell said the agency threatened to take the money back after Landreth asserted that she was owed more money. The DOT's about-face required its attorney to argue that the agency's first appraisal was erroneous. "That was fairly unusual," said Campbell, who

worked as a DOT attorney for more than 13 years. "I'd not seen them come back and argue that their deposit was wrong and that the property owner alone should pay back the extra money that's already been deposited." He added that this appears to be a new tactic that the DOT is taking in Forsyth County. It seems to be a more and more contentious process," he said. The DOT and state Attorney General's Office, which represented the agency, declined to discuss the case. The DOT had contended that it did not have to pay Landreth anything for taking the driveways to her store, but Forsyth Superior Court Judge Ed Wilson found that the agency was, in fact, liable for the taking. "Then they [the DOT] folded their tents and settled," Campbell said.

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*Each case is unique and must be evaluated on its individual merits. Past results do not guarantee future outcomes.