

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

STATE OF MISSOURI, ex rel.,)
MISSOURI HIGHWAYS AND) ED98682
TRANSPORTATION COMMISSION,)
Respondent,) Appeal from the Circuit Court
v.) of the City of St. Louis
) 1022-CC00627
)
1811 NORTH BROADWAY, LLC,)
et al.,) Honorable Robert H. Dierker, Jr.
)
Appellants.) Filed: June 11, 2013
)

This appeal concerns a partial taking of private property in the City of St. Louis as part of a government project to construct a new Mississippi River Bridge. Appellant 1811 N. Broadway, LLC, argues that the expert appraiser for Respondent Missouri Highways and Transportation Commission improperly relied on sale prices of land that had been influenced by the bridge project when determining the value of the property taken pursuant to condemnation. Appellant argues this caused the jury to return a verdict that did not justly compensate Appellant for its loss.

REVERSED AND REMANDED.

Division Five Holds: Respondent’s appraiser, Ronald Metcalf, testified that the comparable sales of improved property he relied on took place because of the bridge project; therefore, those sales were inadmissible as a matter of law. Furthermore, because Metcalf’s opinion regarding the highest and best use of the property before the taking was influenced by the bridge project, his entire opinion regarding the value of the property before the taking was inadmissible. The trial court abused its discretion in failing to strike this portion of Metcalf’s opinion.

Opinion by: Gary M. Gaertner, Jr., C.J.
Robert M. Clayton III, J., and Maura McShane, S.J., concur.

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