

## Condemnation Law: Carter Ledyard Wins Affirmance of Valuation Decision: Queens West Project

**May 13, 2016**

Carter Ledyard, acting as Special Condemnation Counsel to The City of New York, working with attorneys from the Corporation Counsel's Office, won a unanimous affirmance from the NY Appellate Division of a trial court decision valuing a property acquired by eminent domain for the Queens West Development Project in Long Island City at \$18.1 million. The property is located near the Pepsi-Cola sign on the East River and was formerly used as a tennis club. The case turned on whether high-rise residential development at the property would have been financially feasible, in the absence of the redevelopment project which led to its acquisition. The former property owner asserted that it would, and their appraiser valued the property at \$85 million, if used for that purpose. Although, a decade after the taking and with the benefit of government intervention, the area had become a desirable location for residential development, at the time of the taking, the area was heavily industrial and was significantly lacking in infrastructure and amenities. The City was able to challenge successfully the very aggressive assumptions underlying the claimant's feasibility analysis and persuade the trial and appellate courts that residential development was not feasible at that time.

Partners John R. Casolaro and Mark R. Zancolli, Counsel Lee A. Ohliger, and Associate Michael H. Bauscher, acting as co-counsel with Assistant Corporation Counsel Joseph Bavuso and James Hicks of the New York City Law Department, represented the City in this matter.

[View the decision.](#)

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