

LEXSEE 422 SO. 2D 1036

**DADE COUNTY, a political subdivision of the State of Florida, Appellant, vs.  
SOUTHEAST (U.S.) RECYCLING CORPORATION, Appellee.**

**NO. 81-2685**

**District Court of Appeal of Florida, Third District**

*422 So. 2d 1036; 1982 Fla. App. LEXIS 21863*

**November 30, 1982; Rehearing Denied December 16, 1982**

**PRIOR HISTORY:** [\*\*1]

An Appeal from the Circuit Court for Dade County, James C. Henderson, Judge.

**COUNSEL:**

Robert Ginsburg, Dade County Attorney, and R. A. Cuevas, Jr., Assistant County Attorney, for appellant.

Brigham, Reynolds, Moore, Muir, Gaylord, Schuster & Sachs and Toby Prince Brigham, for appellee.

**JUDGES:**

HENDRY, BASKIN, and JORGENSON, JJ.

**OPINION:**

[\*1036] PER CURIAM.

The final judgment under review entered pursuant to a jury verdict awarding appellee \$4,026,000 in this eminent domain action is affirmed. The trial court properly excluded evidence of appellee's own appraisals and evaluations in connection with its purchase, financing and insuring of the subject property which

occurred some six months prior to the actual date of the taking and was made under distress-sale circumstances with knowledge that the County was seeking to condemn the property for the Metrorail project. *Dade County v. Still*, 377 So.2d 689 (Fla. (1979)); *State Road Department v. Chicone*, 158 So.2d 753 (Fla. 1963); *Yoder v. Sarasota County*, 81 So.2d 219 (Fla. 1955); *Culbertson v. State Road Department*, 165 So.2d 255 (Fla. 1st DCA 1964).

Upon appellee's motion, we remand to the trial court with directions [\*\*2] to tax reasonable costs, including attorney's fees incident to [\*1037] this appeal. See *Dade County v. Davidson*, 418 So.2d 1231 (Fla. 3d DCA 1982). n1

n1 In *Dade County v. Davidson*, *supra*, an earlier appearance of the instant case, this court held that an appeal from the compensation award in an eminent domain action stays the trial proceedings but does not preclude the trial court from entering a nonfinal order retaining jurisdiction to tax costs.

Affirmed.