

↓ 91 Nev. 362, 362 (1975) LaPratt v. City of North Las Vegas ↓

LEROY LaPRATT, Appellant, v. CITY OF NORTH LAS
VEGAS, a Municipal Corporation, Respondent.

No. 7695

May 30, 1975

535 P.2d 795

Appeal from order dismissing with prejudice a condemnation proceeding against appellant, for laches; Eighth Judicial District Court, Clark County; Thomas J. O'Donnell, Judge.

The Supreme Court held that the trial court erred in dismissing the action without giving the property owner his day in court on the issue of compensation and without assessing the value of the property sought to be condemned.

Reversed and remanded, with instructions.

John W. Bonner, Las Vegas, for Appellant.

Paul H. Schofield, City Attorney, and *John B. Squires*, Deputy City Attorney, North Las Vegas, for Respondent.

Eminent Domain.

Trial court erred in dismissing condemnation proceedings instituted by City "with prejudice" to property owner for latter's failure to proceed with diligence where property owner had not been given his day in court on issue of compensation and, although property had been occupied by City as a street pending entry of final judgment, value of property had not been assessed nor order of condemnation entered. NRS 37.009 et seq., 37.100, 37.110, 37.160.

OPINION

Per Curiam:

Less than 5 years after the City of North Las Vegas commenced condemnation proceedings, trial started and was then continued. When an effort was made to complete the trial several years later, the court, *sua sponte*, dismissed City's proceeding "with prejudice" to the property owner, for failure to proceed with diligence. The property owner has not had his day in court on the issue of compensation. NRS 37.110. Nor has a final order of condemnation been entered, NRS 37.160, although the property

has been occupied by City as a street, pending entry of a final judgment. NRS 37.100. We therefore reverse and remand the case with instructions to the court below to have a trial for the purpose of assessing the value of the property sought to be condemned, and thereafter to enter an appropriate order of condemnation in accordance with NRS chapter 37.

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