

# COUNTIES & THE LAW

This edition of *Counties & the Law* includes decisions of interest to county attorneys published in the Daily Report Opinions Weekly between January 9, 2015, and January 15, 2016.

We welcome your suggestions and opinions regarding Counties & the Law. Please contact Jim Grubiak at [jgrubiak@accg.org](mailto:jgrubiak@accg.org) or Joe Scheuer at [jscheuer@accg.org](mailto:jscheuer@accg.org) with your comments.

## CONDEMNATION

### ***Earl's Pearls LLC v. Cobb County***

Georgia Court of Appeals  
January 11, 2016; A15A1583

The LLC leased property to a child care franchise. The county condemned the property. The LLC claimed extra compensation for business loss alleging there was no other suitable location to relocate its operations. The Court of Appeals affirmed the trial court denial of summary judgment to the condemnee. The condemnee alleged that it could not be charged with a failure to mitigate by not relocating since the cost of relocation exceeded the value of the business under the *Carroll County* case. The Court did not address whether *Carroll County* was a correct statement of law since there were several other alternative grounds upon which the trial court based its order and none of them were challenged by the condemnee. The Court overruled the trial court's grant of summary judgment to the county since there was evidence in the record that the condemnee met its burden of pointing to specific evidence giving rise to a triable issue (in this case, the date on which its franchise agreement had actually been terminated).