

LEGAL ISSUES

Issue I

WAS THE CITY OF RAPID CITY'S FINDING OF NECESSITY FOR CONDEMNATION OF DEFENDANTS' PROPERTY BASED UPON BAD FAITH?

The trial court concluded that the finding of necessity for condemnation of Defendants' property was based upon bad faith.

Issue II

WAS THE CITY OF RAPID CITY'S FINDING OF NECESSITY FOR CONDEMNATION OF DEFENDANTS' PROPERTY BASED UPON AN ABUSE OF DISCRETION?

The trial court concluded that the finding of necessity for condemnation of Defendants' property was an abuse of discretion.