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determine reasonable attorney fees and expenses," 254 Neb. at 1006-07, 581 N.W.2d at 876, I respectfully suggest that this is the practical result.

In the case before us, the trial court judge clearly believed that some of the requested fees were excessive. But the State did not offer any evidence to contradict the applicant's testimony regarding the necessity and reasonableness of the services. Following the analysis prescribed in *Schirber*, we no longer interfere only to correct a patent injustice, but, instead, must reverse to grant the requested fees because "no other contrary evidence exists or is offered into evidence disputing reasonableness." In my opinion, this deprives trial courts of any effective power to review fee applications in all but the most egregious instances.

Vertical stare decisis compels lower courts to follow strictly the decisions rendered by higher courts within the same judicial system. *State v. Hausmann*, 277 Neb. 819, 765 N.W.2d 219 (2009). Because the court's opinion faithfully follows the path mandated by the *Schirber* opinion, I join the court's opinion in full.

Richard H. Craig, appellant, v. State of Nebraska, Department of Roads, appellee.

805 N.W.2d 663

Filed June 7, 2011. No. A-10-244.

1. **Summary Judgment.** Summary judgment is proper when the pleadings and evidence admitted at the hearing disclose no genuine issue regarding any material fact or the ultimate inferences that may be drawn from those facts and that the moving party is entitled to judgment as a matter of law.
2. **Summary Judgment: Appeal and Error.** In reviewing a summary judgment, an appellate court views the evidence in the light most favorable to the party against whom the judgment is granted and gives such party the benefit of all reasonable inferences deducible from the evidence.
3. **Constitutional Law: Easements.** The right of an owner of property which abuts on a street or highway to have ingress to and egress from his premises by way of the street is a property right in the nature of an easement in the street and the owner cannot be deprived of such right without due process of law and compensation for loss.

4. **Constitutional Law: Property: Streets and Sidewalks.** The measure of the right of the owner of property abutting a street to access to and from the property by way of the street is reasonable ingress and egress under all the circumstances.
5. **Constitutional Law: Easements: Streets and Sidewalks.** Not only does the owner of property abutting a street possess the right to the use of the street along with other members of the general public, the owner also possesses a private right or easement for the purpose of ingress and egress to and from his property which is a special right not shared with the general public.
6. **Appeal and Error.** An appellate court is not obligated to engage in an analysis which is not needed to adjudicate the controversy before it.

Appeal from the District Court for Douglas County: THOMAS A. OTEPKA, Judge. Affirmed.

Frederick D. Stehlik and Francie C. Riedmann, of Gross & Welch, P.C., L.L.O., and Paul F. Peters, of Taylor, Peters & Drews, for appellant.

Jon Bruning, Attorney General, and Martel J. Bundy for appellee.

INBODY, Chief Judge, and IRWIN and MOORE, Judges.

INBODY, Chief Judge.

INTRODUCTION

Richard H. Craig appeals the order of the district court for Douglas County granting the motion of the Nebraska Department of Roads (DOR) for summary judgment and dismissing his complaint. For the following reasons, we affirm.

STATEMENT OF FACTS

In 1979, DOR purchased a portion of property in Douglas County, Nebraska, from R-Lynn Realty in order to construct a southern frontage road to West Dodge Road (Frontage Road). Frontage Road was completed and is still in existence today. R-Lynn Realty maintained ownership of the remainder of the property which abuts Frontage Road (subject property). In 1982, Craig purchased the subject property from R-Lynn Realty, and currently, he leases it to a cellular telephone company. Since its purchase in 1982, the subject property owned by Craig has not had any direct access to West Dodge Road. The subject property is located in the southeast portion of the T-intersection

formed by Frontage Road and 115th Street. In order to reach the subject property, one must exit off of West Dodge Road and enter onto Frontage Road.

In 2004, DOR began construction on the West Dodge Road elevated expressway, which included reconstruction of the existing West Dodge Road, repavement of the frontage roads (there are frontage roads on the north and south sides of West Dodge Road), and construction of the elevated expressway. DOR requested a temporary construction easement from Craig in order to reconstruct the driveway to the subject property after completion of work on Frontage Road. The parties could not reach an agreement regarding the temporary easement, and DOR filed a condemnation action against Craig in order to gain the temporary easement on the subject property. Appraisers were appointed, who subsequently entered an assessment of damages in the amount of $8,598 to Craig. In June 2004, Craig appealed that assessment from Douglas County Court to Douglas County District Court. In March 2005, the parties were notified that the case would be dismissed for lack of prosecution. The parties stipulated to extend the date for Craig to file a certificate of readiness; however, in August 2005, the case was dismissed without prejudice for lack of progression. In September 2005 and March 2006, the parties stipulated to reinstate the case and, again, to extend the date for Craig to file a certificate of readiness. In April 2006, the case was dismissed by the district court. In December 2006, the parties stipulated to reinstate the case, which, in March 2007, was dismissed for the last time for lack of progression. No further reinstatement was sought.

On December 21, 2007, Craig filed a complaint in Douglas County District Court against DOR for inverse condemnation pursuant to Neb. Const. art. I, § 21, seeking damages for loss of visibility as a direct result of the construction of the expressway which rendered his property less convenient, accessible, and desirable. In June 2009, DOR filed a motion for summary judgment and Craig filed a motion for partial summary judgment. The matter came before the district court, which granted DOR's motion for summary judgment and dismissed Craig's complaint.

The district court's order found that summary judgment was proper as a result of res judicata from the prior condemnation proceedings, because Craig was not an abutting property owner, and because the action was barred by the statute of limitations. It is from this order that Craig has timely appealed to this court.

ASSIGNMENT OF ERROR

Craig assigns, rephrased and consolidated, that the district court erred by granting DOR's motion for summary judgment.

STANDARD OF REVIEW

[1,2] Summary judgment is proper when the pleadings and evidence admitted at the hearing disclose no genuine issue regarding any material fact or the ultimate inferences that may be drawn from those facts and that the moving party is entitled to judgment as a matter of law. *Lamar Co. v. City of Fremont*, 278 Neb. 485, 771 N.W.2d 894 (2009). In reviewing a summary judgment, an appellate court views the evidence in the light most favorable to the party against whom the judgment is granted and gives such party the benefit of all reasonable inferences deducible from the evidence. *Id.*

ANALYSIS

Craig argues that the district court erred by finding that Craig was not entitled to compensation for loss of visibility because he was not an abutting property owner. Craig contends that he is an abutting property owner because his property abuts the expressway by virtue of the fact that DOR owns Frontage Road, which his property does abut, and because a portion of the expressway hangs over Frontage Road.

[3-5] The right of an owner of property which abuts on a street or highway to have ingress to and egress from his premises by way of the street is a property right in the nature of an easement in the street and the owner cannot be deprived of such right without due process of law and compensation for loss. *Maloley v. City of Lexington*, 3 Neb. App. 976, 536 N.W.2d 916 (1995). See *Balog v. State*, 177 Neb. 826, 131 N.W.2d 402 (1964). The measure of the right of the owner of property abutting a street to access to and from the property

by way of the street is reasonable ingress and egress under all the circumstances. *Maloley, supra*. See *Balog, supra*. Not only does the owner of property abutting a street possess the right to the use of the street along with other members of the general public, the owner also possesses a private right or easement for the purpose of ingress and egress to and from his property which is a special right not shared with the general public. *Maloley, supra.* See, also, *Balog, supra*.

In the course of the expressway project, Frontage Road was repaved, for which, by virtue of the condemnation proceedings discussed above, Craig was compensated $8,598 for a temporary easement. Although Craig argues that he is an abutting property owner to West Dodge Road and the expressway, we have carefully reviewed the evidence in the light most favorable to Craig, have given him the benefit of all reasonable inferences deducible from the evidence, and find that he clearly is not an abutting property owner to West Dodge Road and the expressway.

Furthermore, prior to Craig's ownership of the subject property, a larger parcel of land was owned by R-Lynn Realty, which land lay south of West Dodge Road. In 1979, DOR purchased a portion of that property from R-Lynn Realty and constructed Frontage Road. In 1982, Craig purchased that remaining portion of property, the subject property, from R-Lynn Realty, which property abutted Frontage Road and 115th Street, not West Dodge Road. Any rights or claims to air, light, and view that were held by R-Lynn Realty in relation to West Dodge Road terminated in 1979, with the purchase of that portion of the property by DOR. See Neb. Rev. Stat. § 39-1327 (Reissue 2008) ("[i]n order to carry out the purposes of this section, [DOR] may acquire . . . such rights of access as are deemed necessary, including but not necessarily limited to air, light, view, egress, and ingress"). Craig acquired the rights he holds to the subject property from R-Lynn Realty, of which air, light, and view are no longer attached. In accordance with Neb. Rev. Stat. § 39-1328 (Reissue 2008), as an abutting property owner to only Frontage Road, Craig was entitled to only ingress and egress of said frontage road, which the record indicates was clearly provided by DOR.

Therefore, we find that Craig does not have a claim for any compensation for loss and that the district court did not err by granting DOR's motion for summary judgment and dismissing Craig's complaint.

CONCLUSION

[6] Having determined that the district court properly granted summary judgment on the ground that Craig was not an abutting property owner and, as such, does not have a claim for any compensation for loss, we need not address Craig's remaining assignments of error. An appellate court is not obligated to engage in an analysis which is not needed to adjudicate the controversy before it. *Castillo v. Young*, 272 Neb. 240, 720 N.W.2d 40 (2006). Therefore, we affirm.

AFFIRMED.