

# Eminent Domain

Fennemore's seasoned eminent domain team provides advice and litigation support to both public entities and private land owners through all stages of project planning and acquisition.

Our eminent domain attorneys have negotiated, settled, and tried numerous cases involving commercial and residential property, regional shopping centers, agricultural land, underground pipelines, and other types of property.

## OVERVIEW

The Constitutional power of eminent domain imposes unique and individual challenges on each party.

Cities, counties, transportation agencies, regional park and special districts, and others public entities empowered with eminent domain and seeking to condemn a property or a business for roads, housing developments, or other public projects must navigate the complex issues that begin with initial project planning. Public entities must be well-versed or advised on issues of environmental review, project funding, relocation assistance, and public use and necessity standards, and must ensure that an owner of property acquired by eminent domain is justly compensated. Property or business owners faced with potential condemnation have their own set of issues, including possible disputes with the agency's right-to-take the property, the need to relocate their home or business, and concerns over compensation, to name a few.

We have experience in:

- Real Estate Valuation
- Business Goodwill Valuation
- Fixture and Equipment Valuation
- Relocation Benefits
- Commercial and Residential Tenancies
- Franchisee/Franchisor Issues
- Environmental Issues /Impact of Contamination
- Temporary and Permanent Severance
- Right-to-Take Challenges

- Inverse Condemnation
- Precondemnation Damages
- And More

In advising public entities, we believe in a proactive approach, counseling clients prior to litigation about relocation and notice issues, adequacy of appraisals, prelitigation access, sufficiency of project-related environmental review, and similar issues. Our extensive experience is also a valuable asset to private property owners facing the challenge of losing their property or home to condemnation.

Firm attorneys work extensively with right-of-way professionals, appraisers, and other experts to address issues that arise both before and after litigation is filed. We frequently advise private property owners prior to and following litigation, counseling owners about their rights, how to obtain a competent appraisal, and evaluating possible severance damages and business losses.

## PRACTICE HIGHLIGHTS

- Resolved numerous eminent domain cases for a public entity on favorable terms involving complex acquisitions for grade separation projects affecting access, circulation and parking.
- Obtained a \$27 million verdict for a shopping center owner in an eminent domain case involving acquisition of a significant portion of the center's parking for a transit station
- Simultaneously led three separate project teams to obtain, in under six months, necessary property interests from over 75 parcels of land prior to state deadlines, which secured more than \$225 million in funds for the projects
- Defeated, within thirty days, a lawsuit against the public agencies involved in a major public transportation project to the south bay, which sought to stop the project's funding, saving the agencies considerable litigation costs and allowing the project to secure funding and begin construction.
- Obtained judgment by stipulation at Agency's appraised value after prevailing at trial on key motions in limine and successfully defended those rulings on appeal.
- Counsel multinational corporations and landowners in successful negotiations with condemning agencies