



Condemnation & Eminent Domain

Overview

Condemnation and Eminent Domain Law allows the government to take private property, either partially or in its entirety, upon the payment of "just compensation" to the property owner. The property must be taken for a valid public purpose and government entities must comply with strict requirements before condemning private property. Using a multidisciplinary approach, Archer's condemnation and eminent domain attorneys work closely with attorneys in the firm's real estate, land use, environmental, and commercial litigation groups to serve all of our clients' needs that may arise during the condemnation process.

Experience on Both Sides

We handle eminent domain from both sides. Archer's Condemnation and Eminent Domain Group has widely recognized experience in counseling both condemning authorities and property owners on all phases of condemnation and eminent domain matters. The firm's experience on both sides of condemnation proceedings enables our lawyers to bring a unique perspective to the table that creates tremendous value for our clients.

Government Entities

We represent government and public agencies, cities, counties and municipalities, utility companies, and developers in a wide variety of eminent domain actions to redevelop blighted urban areas and brownfields, assist with affordable housing projects, acquire rights-of-way for public transit and public utilities, develop pipelines, create park land and conserve natural areas.

Our attorneys have represented clients in, among other matters, negotiation and litigation of redevelopment and affordable housing projects, gas and other pipeline easements, road widening and improvement projects, and acquisition of transportation, electric transmission, and other rights-of-way. This includes representation of projects involving state, county and municipal entities, utilities and developers.

We routinely deal with the evolving arguments used in condemnation efforts, as well as novel valuation arguments. We have worked on cutting edge areas of law, including multiple issues of first impression, and are very practiced at approaching property owners to determine specific concerns that could lead to smoother property acquisitions.

Property Owners

We also have extensive experience fighting for the rights of property owners. Our eminent domain lawyers represent landowners and business owners facing both full and partial takings in a wide variety of contexts. While we often address the condemning authority's right to take the property, typically, the primary goal is to determine the "just compensation" required to be paid under the United States and state constitutions. This can include issues such as the value of the property, damages to portions of property not taken, relocation and other business issues.

We deal with many types of commercial properties when representing business owners, including shopping centers, hotels, gas stations, industrial facilities, warehouses, and office complexes, among others. We represent residential owners with properties that include single-family homes, town homes, condominiums, historical estates, and farms.

Counsel from Start to Finish

- Pre-condemnation planning
- Preventive measures
- Project management
- Property valuation and business damages
- Condemnation proceedings and suit
- All hearings and related motions
- Mediation
- Trial
- Appeals
- Inverse condemnation and regulatory takings
- Protection of property rights
- Relocation benefits
- Land use and zoning analysis
- Environmental assessment
- Apportionment proceedings where a party other than the property owner claims entitlement to some or all of the compensation to be paid

Litigation

From time to time, right-of-way matters and other takings may result in litigation. Archer's experience handling both sides of property acquisition matters enables us to develop strategies to avoid condemnation litigation



when it is in the client's best interest, but our experience allows us to represent clients in administrative proceedings, trials and appeals when needed. We regularly appear before condemnation commissioners and juries in valuation cases, working closely with real estate appraisers, planners, engineers and other experts to obtain the best possible result for the clients we represent in these matters. Our comprehensive understanding of the issues involved for both the condemning authorities and landowners allows us to efficiently and effectively guide clients through the process.

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Related Services

- Alternative Dispute Resolution
- Appellate Practice
- Business Litigation
- Environmental Law
- Land Use
- Real Estate
- Real Estate Tax Appeal

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