

# EMINENT DOMAIN

For more than 40 years, we have advised and litigated on behalf of property owners faced with condemnation as well as public entities exercising the power of eminent domain. We handle all aspects of condemnation, including pre-taking planning, acquisitions in lieu of condemnation, regulatory and *de facto* takings, and trial, settlement, and appeals of just compensation and relocation benefits claims.

Our work spans project types: highway improvements, airport expansion, open-space acquisitions, transit facilities, port development, and redevelopment projects. Our clients include owners of manufacturing facilities, commercial and residential development sites, shopping centers, office buildings, telecommunications facilities, power stations, and outdoor advertising signs. We also represent state agencies, municipalities, pipeline companies, and utilities in condemnations for public projects.

Lawyers in the practice have worked in legal and administrative positions in government agencies with large real estate portfolios and the power of eminent domain, advising on planning, acquisitions, relocation benefits, and condemnation.

## ■ OUR APPROACH

We employ a cross-disciplinary approach, working closely with top-tier appraisers, land planners, architects, engineers, and other professionals to structure claims for compensation in total and partial takings of real property. Our extensive experience in real estate, litigation, and environmental law—combined with our knowledge of local land-use law—enables us to provide comprehensive support in condemnation matters and creative approaches to valuation claims in total and partial takings. We also bring the benefit of a multipractice, national law firm to counsel clients on condemnation-related issues. For example, our tax lawyers advise clients on deferring gain in the context of final compensation awards and settlement proceeds, as well as purchases by acquiring authorities in lieu of condemnation.

We are active in professional associations comprising lawyers, appraisers, and real estate consultants, where we conduct and participate in programs on appraisal methodology in condemnation and in tax appeals. We have written extensively on valuation methodology in eminent domain.

## ■ OUR EXPERIENCE

We have significant experience representing both landowners and condemning authorities in every aspect of eminent domain matters, from pre-taking investigations and negotiations, to boards of view, jury trials, and appeals.

### *Condemnee Representations*

#### *Transportation Centers and Other Special Use Properties*

- Represented owners of a significant parcel of land adjacent to the Philadelphia International Airport in proceedings before the Delaware County Board of View
- Shepherded an amendment to the Eminent Domain Code through the Pennsylvania General Assembly on behalf of a land conservancy non-profit

- Handled a pipeline condemnation where the condemned property was part of a larger parcel already slated for condemnation by the Philadelphia International Airport
- Represented a private developer in an inverse Eminent Domain suit brought by an adjacent landowner against a client and UDOT over the taking of land for purposes of road accessing resort development in Deer Valley, Utah

#### *Industrial Properties*

- Represented a major auto-auction company in relocation and reimbursement claims for the taking of the entrance of its facility by UDOT in Salt Lake City
- Protected the electrical grid by filing preliminary objections to a partial taking by PennDOT of utility property in Center City Philadelphia
- Obtained full compensation for the owner of pasta facility, land building, and equipment, based on the assembled economic unit doctrine in taking for expansion of the Philadelphia International Airport

- Represented PECO in a jury trial for PennDOT's taking of a 6.2 mile railroad corridor running from King of Prussia to Berwyn, Pennsylvania

#### *Office, Retail, and Shopping Centers*

- Represented a major mixed-use developer in connection with a partial taking of an office/retail/hotel parcel for light rail expansion by the City of Phoenix
- Advised clients across the country concerning condemnation and related *force majeure* provisions in commercial documents in the wake of the COVID-19 pandemic
- Represented a national clothing retail tenant in connection with an eminent domain action filed by UDOT of a shopping center in Utah County, Utah
- Negotiated a sale in lieu of condemnation for a major office complex adjacent to the Philadelphia International Airport
- Negotiated a settlement with PennDOT for the taking of a major convenience store development site in Philadelphia
- Represented a national clothing chain in challenging the condemnation of a store in Fort Collins, Colorado, and succeeded in negotiating a favorable relocation to a better site

- Protected a vital access road to a major energy plant in western Pennsylvania by filing preliminary objections to a taking by PennDOT
- Negotiated a multimillion dollar settlement with PennDOT on behalf of the owner of a telecommunications facility and iconic billboard along I-95 following an award of the Philadelphia Board of View
- Represented an industrial facility owner in the partial taking by Gloucester County Improvement Authority
- Advised a property owner on a complex severance issue arising from PennDOT's taking of a portion of a proposed biofuel facility in Lancaster County

- Represented a national retail outlet in connection with the condemnation of property for the expansion of a state road in West Valley City, Utah
- Guided a shopping center owner through a condemnation dispute with the Township of Medford, New Jersey
- Represented an owner of a shopping center in Maryland in connection with a condemnation action involving a partial taking—including the creation of new easement areas—and negotiated a favorable settlement taking into account requirements of all tenant leases
- Petitioned for *de facto* condemnation against the City of Philadelphia involving a commercial development site, part of the Airport Interplex, ultimately obtaining a favorable settlement following a Board of View award
- Represented a property owner in the taking of a shopping center by the Township of Evesham, New Jersey
- Represented a property owner against the City of Camden New Jersey's condemnation of an office building

- Represented a shopping center owner in connection with the partial taking in Kentucky, negotiating a favorable settlement with the condemning authority and shopping center's anchor tenant

## ***Condemnor Representations***

### *Municipalities*

- Represented the City of Salem, NJ in the condemnation of an office building as well as multiple parcels for an affordable housing project
- Represented a local Utah municipality in a potential Eminent Domain case in an effort to prevent an adjacent county from constructing a public road over a mountain pass into the municipality

### *Utilities and Authorities*

- Representing PECO Energy Company in a condemnation for a major new substation in Philadelphia's University City
- Advised a national pipeline company regarding a condemnation under Pennsylvania law, including a public utility designation and a Pennsylvania corporation power
- Represented an energy co-op in Garfield County, Utah in connection with Eminent Domain of a property for improvement of electrical lines benefiting the community

### *Redevelopers*

- Overseeing the acquisition of 620 residential condominium units in Lindenwold, NJ on behalf of a redeveloper designated under New Jersey Redevelopment Law

- Represented a grocery store in a taking by UDOT in Salt Lake County, Utah

- Represented Whitpain Township, PA in the condemnation of a residential subdivision for green space
- Represented the City of Camden, NJ in connection with condemnations for a redevelopment project and an affordable housing project
- Represented Abington Township, PA in the condemnation of a residential subdivision for green space

- Represented PECO Energy Company in the taking of land for expansion of a substation in Center City Philadelphia
- Defended SEPTA against claim for *de facto* condemnation through the Pennsylvania Supreme Court in connection with expansion of the Market Street Subway Line

- On behalf of a redeveloper designated under NJ Redevelopment Law, oversaw the acquisition of land for Wawa and a restaurant in Barrington, NJ

## **CONTACT**

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