

Eminent Domain (Litigation)

RWG has broad experience in all of the legal issues and procedures relating to eminent domain. We represent public entities and property owners in all aspects of the condemnation process from the pre-acquisition planning phase to final resolution of the proceedings, including negotiated settlement, mediation, trial, and appeal.

Eminent domain is the power of a public agency to acquire property for a public use on payment of just compensation to property owners. Public agencies, such as the state and the federal government, counties, cities, school districts, water districts, and joint power authorities may exercise the power of eminent domain to acquire property for a public use if they meet all legal requirements and pay just compensation to impacted property owners.

RWG lawyers regularly assist public agencies on acquisition of property for public uses, including public facilities, parks, parking lots, and public infrastructure projects, such as light rail expansion projects, road widening and extension projects and realignments, freeway interchange projects, storm drain easements, grade separation projects, flood control easements, water transmission lines, and sewer lines. We advise public agencies regarding applicable state and federal regulations on projects involving federal funds, projects with Caltrans oversight, and on Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) requirements. We also assist public agencies with legal issues pertaining to relocation assistance on projects involving local, state, and federal funds.

Many issues arising in eminent domain court proceedings are directly related to problems that were not fully addressed in the pre-acquisition stages. Thus, RWG has developed a team approach when working with public entities to address all aspects of the acquisition and condemnation process, including pre-project planning, analyzing title issues and project impacts, developing mitigation measures, and complying with CEQA and NEPA. RWG lawyers regularly meet with staff, appraisers, engineers, consultants, utilities, property owners, business owners, and tenants impacted by public projects to address right-of-way concerns and related issues. Taking a proactive approach and working closely with staff on the pre-acquisition procedures helps to address many of the legal issues early in the process, minimize the issues in any filed eminent domain proceeding, and helps public entities acquire the necessary property interests and obtain possession on time and within their budget.

TEAM

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RELATED PRACTICES

Litigation

RWG lawyers advise clients through the procedural requirements relating to certification of right-of-way, prejudgment possession, and property contamination issues. RWG lawyers regularly prepare staff reports, purchase and sale agreements, grant deeds, easement documents, possession and use agreements, licenses and resolutions of necessity, and zealously represent clients in eminent domain proceedings, including trial and appeal.