

# EMINENT DOMAIN/INVERSE CONDEMNATION

When the government decides to take private property or a business by utilizing the power of eminent domain, owners need knowledgeable and resourceful counsel to help them defend their rights and receive fair compensation. Our attorneys rely on their vast experience to advise our clients through the complex and challenging issues that arise when a governmental entity pursues acquiring land, buildings, and businesses. In many instances, these matters can be resolved without the necessity of a trial but, when negotiations are unsuccessful, our attorneys are experienced trial and appellate lawyers.

Our eminent domain attorneys collaborate with their colleagues in the Firm across other practice areas, including government law, land use and zoning, tax, real estate and environmental law to offer invaluable resources and in-depth insight into your case. They also understand the system and how to negotiate or litigate each matter to maximize the recovery for our clients. Our attorneys come from a diverse background —among our group is a former senior attorney with the Florida Department of Transportation and the Attorney General's Office. Our attorneys have been recognized by national organizations and ranking agencies, including *Best Lawyers of America*® and *Florida Super Lawyers*, and have earned the highest ratings by *Martindale-Hubbell*. They also serve in professional organizations and legal committees that shape and influence the industry, and frequently write articles and speak at conferences and continuing legal education seminars on condemnation issues.

## Our Clients and Experience

Our attorneys represent a diverse group of clients, including banks, restaurants, drug stores, national oil companies, and owners and developers of homes, condominiums, apartments, shopping centers, warehouses, office buildings, and many other types of facilities. Owners of single-purpose properties such as broadcast facilities, churches, and fast-food restaurants regularly consult with our attorneys well in advance of the "taking" to ensure they are legally protected at every step of the process. Because our lawyers have also represented condemning authorities, our team has added insight and knowledge.

Additionally, our team is skilled at recognizing when over-regulation of property amounts to a taking, even when the government doesn't announce its intention to condemn and does not physically appropriate the property. In these cases, we will seek compensation for the property owner by bringing an inverse condemnation suit against the government and can assert the overly restrictive regulations equate to a "taking" of property or of property rights. For example, we successfully represented a national restaurant chain in the trial and appellate proceedings in an inverse condemnation case that led to a ruling that the federal agency had "taken" access rights. The agency

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was ordered to pay our client full compensation and damages due, even though there was no land or improvements physically taken. We are also experienced in the related matter of filing Bert J. Harris Act claims on behalf of property owners.

### **Our Commitment**

Our lawyers recognize that every property, business and taking are unique and they work with each client and use their experience, creativity and drive to tailor a strategy that will seek to minimize the client's risk while maximizing the clients' recovery.

### **Professionals**

Sidney C. Calloway

Meredith S. Delcamp

Suzanne M. Driscoll

James C. Gavigan, Jr.

Janeil A. Morgan

Harold E. Morlan III

Brett R. Renton

David A. Shontz

Fred S. Werdine

### **Related Industries**

Hospitality

Real Estate