

OUR PRACTICE

Eminent Domain

The law of eminent domain creates complex legal problems when authorities attempt to acquire real property or business. Before the government can take or damage property, you have a right to compensation. When we fight for clients, we leverage our experience and our expansive network of professionals within the areas of real estate appraisal, business valuation, engineering and general litigation to provide our clients with the very best advice, support, and representation. We couple a proactive legal strategy with a coordinated communication plan as we assemble a unique team of valuation experts with extensive litigation experience to maximize the recoverable value of the real estate and business assets. This ability is especially critical for companies with multiple locations who need a comprehensive strategy to manage and avoid the destruction of business value through condemnation.

Representative Matters

- Settled an eminent domain matter on behalf of a fast food restaurant corporation involving a corner interstate site in Clayton County in metro Atlanta. The Department of Transportation condemned the principal access to the site, thus decreasing the value of the property. The DOT paid \$2.3 million pursuant to the consent judgment to conclude the settlement, which represented a 200 percent increase over the original sum offered by the DOT.
- Settled condemnation for taking of right of way for access road constructed for new automobile assembly plant in west Georgia. Settlement was for \$1.3 million dollars which is a 228 percent increase over the DOT pay-in to court.
- Successfully mediated an eminent domain matter for an internationally-owned convenience store chain in north Georgia. The case involved a partial loss of access that would cause the site to be unusable as a convenience store. The case settled for \$1,075,000, which represented a 142 percent increase over DOT's original pay-in to the court upon filing the declaration of taking.
- Settled major condemnation for national trucking firm in Savannah. Settlement involved substantial plan revisions avoiding taking of office building and land locking of property. In addition funds of \$1.5 million were paid for property taken and for consequential damages and mitigation expense.
- Tried a business loss and real estate condemnation case in west Georgia. After a nine-day trial obtained a jury verdict resulting in a recovery of \$1.9 million dollars which represented a 100 percent increase over sums paid into court by the GDOT. The case involved a taking of property from and damage to a warehouse distribution company.
- Secured a favorable jury verdict in a condemnation case in a northern metro Atlanta county in which the client, a petroleum realty investor, was awarded a sum 300 percent greater than that testified to by the experts for the DOT.
- Negotiated a settlement for owners of a vacant tract of land who had a portion of their property condemned by the DOT; settlement was a 3,266 percent increase over what the DOT paid into court.
- Negotiated a 743 percent business loss compensation increase over the Department of Transportation's initial offer for the total taking of a convenience food store with a retail fuel sales tenant's business.
- Negotiated a \$2.550 million settlement for a nationally-traded REIT in an eminent domain case involving damage to a property under lease as an auto dealership, with the settlement representing a 252 percent increase over the sum originally paid into court by the Department of Transportation.
- Received a jury verdict awarding a 429 percent real estate compensation increase over the Georgia Department of Transportation's initial offer for the partial taking of a vacant agricultural tract. The

verdict was affirmed by the Georgia Court of Appeals and finalized by the Supreme Court of Georgia upon the unanimous denial of a writ of certiorari, resulting in total award exceeding \$1 million.

- Negotiated a \$2.3 million settlement in a condemnation case on behalf of a large convenience store operator, with the settlement representing a 125 percent increase over sums the Department of Transportation had deposited with the court.
- Negotiated a 340 percent real estate compensation increase over the Department of Transportation initial offer for the partial taking of an interstate-oriented driving range/recreational facility.
- Negotiated a 153 percent real estate compensation increase over the Department of Transportation's initial offer for the partial taking of a national fast food chain restaurant.
- Negotiated a 181 percent combined real estate/business loss compensation increase over the Department of Transportation's initial offer for the total taking of a convenience food store with a retail fuel sales tenant's business.