

Litigation and Alternative Dispute Resolution

Condemnation and Eminent Domain

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Eminent domain refers to the constitutional authority of governmental bodies (such as cities, counties and special districts) to acquire private property for a use that will benefit the public. (Under specific legislation eminent domain authority may also be granted to private corporations.) Sometimes a property owner and the government cannot agree on the price to be paid for the property. In that event, the government will file a lawsuit to acquire the property, a process known as "condemnation."

Our land use and condemnation lawyers understand the technicalities of condemnation law and relocation. Strict legal rules and guidelines apply to this process to ensure that the property owner is justly compensated. An appraisal used to determine the property's value must comply with the Uniform Standards of Professional Appraisal Practice. Additionally, the acquisition and any relocation must be guided by the Uniform Relocation Assistance and Real Property Acquisition Policies, which govern relocation benefits.

Generally, the sole issue in a condemnation matter is the amount of compensation and damages, if any, to which a property owner is entitled. However, every condemnation presents its own unique set of legal issues, among them title questions, enforcement of covenants, the validity and scope of easements and what relocation benefits a property owner or business may be entitled to receive.

Garvey Schubert Barer is experienced in both negotiated and litigated eminent domain matters. We have represented clients, in both government and the private sector, in more than 100 mediations involving condemnation disputes. Whenever possible, we try to resolve disputes without litigation. But if litigation is the only option, you have access to experienced trial lawyers who can successfully take on this task.