

## Land Use and Real Estate

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### Land Use

#### Contact

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Obtaining approval to develop land or opposing development has become increasingly difficult. Success requires an advanced understanding of land use principles and expertise in the public process.

Our land use and condemnation lawyers understand the current business and regulatory environment. We appear often before reviewing bodies at the federal, state and local levels. We know the procedures, personalities, inclinations and approaches that can work to your benefit.

Our clients include local governmental bodies as well as individuals and organizations concerned about development. We have represented clients in all aspects of land use activities, from opposing industrial development in rural areas to supporting large multiunit, multiparty developments within major metropolitan areas. Our services involve such areas as

- ▶ Condemnation and eminent domain
- ▶ Municipal law
- ▶ Coastal management
- ▶ Inland and tidal wetlands
- ▶ Planning
- ▶ Purchaser, seller, lender and other real estate issues
- ▶ Regulatory approvals — both obtaining and defending them
- ▶ Partitions and subdivisions
- ▶ Zoning and development permit issues

We also work with land use activists to recommend or comment upon land use law or policy. In addition, Garvey Schubert Barer plays an active role in shaping planning and development trends in Oregon, Washington and even nationwide, by participating in legislative and administrative activities, teaching lawyers and others about land use and condemnation issues, and speaking about these subjects in various forums.

### Condemnation and Eminent Domain

#### Contacts

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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.

## Development Process

### Contacts

Obtaining approval of a development or opposing it can be difficult. The end result sometimes seems to turn more on political whim than reason. If you are seeking an approval for development, our land use and condemnation lawyers can help you successfully navigate the approval process, by working with government staff to develop and present a strong defensible land use application, and then managing any required public hearings.

Our experience representing both proponents and opponents of development makes us appreciate the value of compromise when possible. To prevent protracted and costly litigation, we encourage developer clients to work with opponents to achieve solutions that conserve livability and resources.

Our clients include individual homeowners, small and medium-sized residential and commercial developers, environmental organizations, and neighborhood and community groups. Services for these clients include the following:

- ▶ Master planning
- ▶ Ordinance and legislation drafting, including legislation focused on the hearings process
- ▶ Consensus building and conflict resolution, including intergovernmental agreements
- ▶ Land use appeals and litigation

Regardless of whom we are representing, Garvey Schubert Barer is known and respected by governmental bodies for our expertise, integrity and reasoned approach.

Because of our experience working on private residential and commercial projects, we have the expertise to represent governmental bodies in land use matters. Garvey Schubert Barer serves as general counsel for three cities and special counsel for other governmental entities.

## Municipal Law

### Contacts

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Municipal law issues can be extraordinarily complex. Resolving them often requires creative, sophisticated solutions, which Garvey Schubert Barer can provide.

Our lawyers represent governmental bodies (such as cities, counties and special districts) as well as a wide variety of individuals and businesses that interact with local government.

We serve as general counsel for three Oregon cities: Oregon City, Rivergrove and Island City. We also act as special counsel for other governmental bodies, including the State of Oregon. We advise these municipal clients on eminent domain and land use issues, as well as on the following:

- ▶ Legislative drafting and interpretation
- ▶ Municipal elections
- ▶ Conflicts of interest

- ▶ Property tax assessment and enforcement
- ▶ Real estate acquisitions and sales
- ▶ Contract preparation, administration (such as responding to questions on day-to-day matters about the contract) and interpretation
- ▶ Public records requests
- ▶ Labor and employment issues
- ▶ Public liability claims
- ▶ Actions by and against municipalities, including trials and appeals
- ▶ Preparations for and appearances at hearings

Our legal work for private sector clients involves many of these same areas. It also involves other municipal law areas, such as

- ▶ Contribution of infrastructure projects
- ▶ Structure of public-private partnerships
- ▶ Property tax assessment appeals

When you hire Garvey Schubert Barer for a municipal law problem, you also are hiring a full-service firm, with lawyers practicing in virtually every legal area in which you may need assistance. If you have a problem outside the municipal law area, you have immediate access to an attorney who can help resolve the problem.