

Condemnation and Eminent Domain

One of the biggest financial and emotional challenges any business or family can face is the loss of property through an eminent domain action by a governmental body or public utility. The experienced attorneys at Manning Fulton provide clients with creative counsel, focused on their needs, to ensure their interests are protected. Our ability to analyze the many factors that influence the market value of our clients' property, and to make an effective, convincing presentation of their case, is the core of our strength.

Manning Fulton lawyers are experienced with land planning, real estate appraisal and environmental issues which are the foundation of an effective eminent domain property valuation. We work alongside our clients to assess their property's most value use. We collaborate with real estate experts and consult with them to assess a given property's value.

Then, we develop a litigation plan tailored to each client's situation. We represent client interests from start to finish, from pre-acquisition hearing to appeal. Our team of attorneys has successfully represented clients against:

- North Carolina Department of Transportation
- Cities and towns
- Airport authorities
- Boards of education
- Public utilities

The Condemnation and Eminent Domain practice team at Manning Fulton are skilled negotiators and litigators, dedicated to ensuring that our clients receive the full fair market value of their property, whether through settlement, at mediation, or a jury verdict at trial.

When your financial future is at stake, you need a partner with the commitment to protect your interests – and the skill to win. That is the fundamental strength of Manning Fulton's condemnation practice.

Manning Fulton attorney John B. McMillan anchors our condemnation team. Among his many accolades, John is recognized by The Best Lawyers in America in the area of Eminent Domain and Condemnation Law as Best Lawyers "Lawyer of the Year" for 2013, 2015 and 2016. Only a single lawyer in each practice area and designated metropolitan area is honored as the "Lawyer of the Year," making this accolade particularly significant. Having practiced law for more than 50 years, John has authored materials and is a frequent presenter at continuing legal

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Related Attorneys

John A. Hardin
Judson A. Welborn
Brienne 'Bri' Marino Glass
John B. McMillan (1942-
2019)
Robert S. Shields, Jr.
Jessica B. Vickers

education seminars on Condemnation Law.

Below is a partial list of several verdicts and settlements our clients have received. It is important to understand that this list does not include all of our condemnation cases and we cannot promise or guarantee that any case will have results as favorable as the cases we have listed. The results we have obtained are products of the specific factual and legal circumstances that were present in each of those cases. Every case is different, and the results will vary from case to case. A successful outcome of your case cannot be assumed or indicated by our past successes in other cases. Please do not misconstrue the below list as any representation that Manning Fulton will ultimately be successful in your case or any other case in the future.

- Department of Transportation v. Broomfield LLC – Represented a family in Garner, NC when NC DOT replaced old Tryon Rd. with a new service road. NC DOT initially paid the family \$76,800. At mediation, the case settled for \$1,065,000 for a difference of \$988,200. Consent judgment was entered in October 2017.
- Department of Transportation v. Alexander Family LLC – Represented a family when NC DOT took 8.6 acres for the US Highway 401 by-pass. NC DOT initially paid \$1,342,930. The final jury verdict required NC DOT to pay \$4,349,837 plus interest of \$761,649.54 for a difference of \$3,768,556.54. Trial occurred in Wake Count in September 2013.
- Department of Transportation v. Falling Creek Farms, Inc. et al – Represented landowners when DOT took 36.6 acres from the relocation of Highway 70. DOT initially paid \$2,524,150. Final settlement required DOT to pay \$6,650,000 – for a difference of \$4,125,850. Consent judgment was entered in November 2012.
- Department of Transportation v. Stephens Properties – DOT took 11.504 acres in vicinity of Highway 55 By-pass in Holly Springs. DOT initially paid \$196,500. Final verdict required DOT to pay \$1,500,000, plus interest and expert witness costs of \$312,840 – for a difference of \$1,616,340. Court judgment entered in November 2001.
- Department of Transportation v. New Age Communications – DOT took 24.58 acres and improvements on the property in vicinity of Highway 17 and Highway 70 in Goldsboro, Wayne County. DOT initially paid \$1,290,000 for the land and improvements. Final settlement required DOT to pay \$1,600,000 – for a difference of \$310,000. Consent judgment entered in October 2000.
- Department of Transportation v. Holly Springs Assoc. – DOT took 25.64 acres for the Southern Wake Expressway. DOT initially paid \$667,000. Final settlement required DOT to pay \$1,500,000 – for a difference of \$833,000. Consent judgment entered in October 2001.
- Department of Transportation v. Dameron – DOT took 14.524 acres in vicinity of Highway 98 By-pass in Wake Forest. DOT initially paid \$213,130. Final settlement required DOT to pay

\$1,200,000 – for a difference of \$986,870. Consent judgment entered in March 2003.

- Department of Transportation v. Bailey – DOT took multiple tracts with combined acreage of approximately 21.142 acres in vicinity of I-540 and Highway 50 / Creedmoor Road. DOT initially paid \$684,250 for the combined acreage. Final settlement required DOT to pay \$1,100,000 for the combined acreage – for a difference of \$415,750. Consent judgment entered in April 2000.

For more information about this service,
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