



Eminent domain is the power to take private property for a public purpose. The power of eminent domain may be exercised by federal, state, and local governments or by private parties authorized by statute to exercise such powers. Typically, the most common uses of property "taken" through eminent domain proceedings are public facilities, road rights of way, and utility and drainage easements.

Ward and Smith, P.A.'s Eminent Domain Practice Group represents not only governmental entities and utilities that acquire property for transportation, water, sewer, drainage, natural gas, and other public works projects, but also business and individual property owners whose property is taken for such projects. Our representation of both groups gives us a unique insight on how best to manage eminent domain cases.

When we are representing a condemning authority such as a public or private utility, we handle all aspects of property acquisition and eminent domain litigation including, but not limited to, pre-acquisition consultation and development of strategy, negotiated conveyances to avoid litigation and, when necessary, litigation through verdict and any subsequent appeals.

We also represent individuals and business owners whose property or business is being adversely impacted by an eminent domain "taking." When property or business interests are impacted by a "taking," the owner of the property or business is entitled to receive "just compensation" for the property. We first seek to avoid or minimize the effect of the proposed project on the property or business through pre-acquisition negotiation. We then pursue the maximum amount of damages payable under the law in any subsequent litigation.

The attorneys in the Eminent Domain Practice Group emphasize a team approach and work closely with other attorneys in our Firm who have significant experience in areas including zoning and land use, real estate development, environmental rules and regulations, tax, and business. We also have established relationships with well-respected experts and consultants throughout the state such as appraisers, surveyors, engineers, developers, and economists.

Our philosophy is to find creative solutions to problems. We are always prepared to go to trial, but our goal is to achieve the most effective results and, whenever possible, avoid the time, risk, and expense of litigation.