

## EMINENT DOMAIN

### OVERVIEW

BCLP has extensive experience representing both landowners and condemning authorities in eminent domain actions. Our attorneys have successfully handled and tried eminent domain matters in state and federal courts in numerous jurisdictions. Furthermore, we have significant appellate experience in condemnation matters, including a recent landmark decision in *Department of Transportation, State of Colorado v. Amerco Real Estate Company* in which our lawyers successfully convinced the Colorado Supreme Court that the Colorado Department of Transportation lacked condemnation authority since 1994 when it unlawfully delegated condemnation power. In addition to representing entities with condemnation authority, BCLP regularly defends landowners and tenants in condemnation actions filed by highway authorities and municipalities, represents lenders in eminent domain actions against secured properties, and represents investors in due diligence of properties subject to threatened condemnations. BCLP achieves outstanding results by combining its decades of nationwide experience counseling clients on eminent domain issues with its local land use and litigation experience.

### RELATED CAPABILITIES

- Business & Commercial Disputes

### EXPERIENCE

- *Kansas Pipeline Corp. v 200' by 250' Piece of Land*, 210 F. Supp.2d 1253 (D. Kan.2002) (Represent pipeline owner in condemnation petition)
- *Illinois State Toll Highway Authority v Infinity Broadcasting Corp.* (Represent transmitter tower owner in expressway expansion project)
- *Illinois Department of Transportation v. Troy Coolidge* (Represent landowner in litigation concerning relocation of detention pond)
- *Illinois Department of Transportation v AREC 1, LLC et al.* (Represent land owner in condemnation/land swap)

- *Goldstein v. N.Y.S. Urban Dev. Corp.*, 13 N.Y.3d 511 (2009); *Peter Williams Enterprises Inc. v. N.Y.S. Urban Dev. Corp.*, 2010 WL 3703264 (Sup. Ct. Kings County 2010); *In the Matter of N.Y.S. Urb. Dev. Corp.*, 2010 WL 702319 (Sup. Ct. Kings County 2010) (representation of New York State economic development authority in exercising eminent domain to assemble land for a 17-building project in Brooklyn, New York).
- *Kaur v. N.Y.S. Urb. Dev. Corp.*, 15 N.Y.3d 235 (2010) (representation of New York State economic development authority in exercising eminent domain to assemble land for a new university campus).
- *Evergreen Clean Energy v. Town of Gypsum, Co.* (Represent renewable energy plant in offensive condemnation action)
- *Department of Transportation, State of Colorado v. Amerco Real Estate Company* ( 2016) (Successful challenge of agency's exercise of eminent domain authority)
- *United States of America v. 131,675 Rentable Square Feet*, (Represent property owner in federal condemnation of leasehold interest)
- *City of St. Louis v. City of Bridgeton* (Represent municipality in series of condemnations related to airport expansion project)
- *The State of Texas v. American Timberland, L.P.*, (Represent landowner in trial and post-trial condemnation proceedings)
- *Georgia Department of Transportation v. 1.060 acres of land; Georgia Department of Transportation v. RTG Furniture Corp* (Representations of landowners in Georgia condemnation actions)