

EMINENT DOMAIN

Ballard Spahr lawyers advise and litigate across the country on behalf of property owners faced with condemnation as well as on behalf of public entities exercising the power of eminent domain. Our work includes all aspects of condemnation, including pre-taking planning, acquisitions in lieu of condemnation, regulatory and *de facto* takings, and trial, settlement, and appeals of just compensation and relocation benefits claims.

We are experienced in a broad spectrum of takings: highway improvements, airport expansion, open-space acquisitions, transit facilities, port development, and redevelopment projects. Our clients are owners of manufacturing facilities, commercial and residential development sites, shopping centers, office buildings, telecommunications facilities, power stations, and outdoor advertising signs. We also represent state agencies, municipalities, pipeline companies, and utilities in condemnations for public projects. Significantly, lawyers in the practice have worked in legal and administrative positions in government agencies with large real estate portfolios and the power of eminent domain, advising on planning, acquisitions, relocation benefits, and condemnation.

OUR APPROACH

Our extensive experience in real estate, litigation, and environmental law, combined with our knowledge of local land-use law, supports our services to clients in condemnation matters. We offer our clients creative approaches to valuation claims in total and partial takings. We also bring the benefit of a full-service, national law firm to counsel clients on condemnation related issues. For example, our tax lawyers advise clients on deferring gain in the context of final compensation awards and settlement proceeds, as well as purchases by acquiring authorities in lieu of condemnation.

OUR EXPERIENCE

Condemnee/Owner Representations

Representative Shopping Center, Office, and Retail Matters

- Ongoing consultation for national shopping center REITs on the potential consequences of condemnation and negotiations with condemning authorities for properties across the country.
- Representing a national waste hauling company in sale in lieu of condemnation adjacent to the Philadelphia Port.
- Representing an auto dealership in a complete taking by the Delaware Department of Transportation.
- Represented a major mixed-use developer in connection with a partial taking of an office/retail/hotel parcel for light rail expansion by the City of Phoenix.
- Negotiated a favorable settlement for a national pharmacy chain in a complex three-way negotiation with the landlord and PennDOT, avoiding the potential closure of a valuable store in northwestern Pennsylvania.
- Negotiated a favorable settlement for a shopping center owner in Leominster, Massachusetts involving a condemnation with significant operational impacts on a pad site.
- Represented a master-servicer where condemnation of the borrower's multifamily property in Kentucky threatened the value of collateral in a commercial mortgage-backed security.

- Advised a lender of consequences to collateral based on threatened condemnation of a major single-family home and vacation development site in Texas. Berwyn, Pennsylvania
- Represented a national clothing retail tenant in connection with an eminent domain action filed by UDOT of a shopping center in Utah County, Utah.
- Negotiated a sale in lieu of condemnation for a major office complex adjacent to Philadelphia International Airport.
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- Represented a national clothing chain in challenging the condemnation of a store in Fort Collins, Colorado, and succeeded in negotiating a favorable relocation to a better site.
- Represented a national retail outlet in connection with the condemnation of property for expansion of a state road in West Valley City, Utah.
- Guided a shopping center owner through a condemnation dispute with the Township of Medford, NJ.
- Represented an owner of a shopping center in Maryland in connection with a condemnation action involving partial taking, including the creation of new easement areas, and negotiated a favorable settlement taking into account requirements of all tenant leases.
- Petitioned for *de facto* condemnation against the City of Philadelphia involving a commercial development site, part of the Airport Interplex, ultimately obtaining a favorable settlement following Board of View award.
- Represented a property owner in taking of a shopping center by Township of Evesham, NJ.
- Represented a property owner against the City of Camden New Jersey's condemnation of an office building.
- Represented a shopping center owner in connection with a partial taking in Kentucky, negotiating a favorable settlement with the condemning authority and shopping center's anchor tenant.
- Represented a grocery store in taking by UDOT in Salt Lake County, Utah.

Transportation Centers and Other Special Use Properties

- Representing a national airport parking provider in partial taking by a gas company near Salt Lake City Airport.
- Won a substantial award for a significant parcel of land adjacent to the Philadelphia International Airport in proceedings before the Delaware County Board of View. We defeated one appeal and are currently handling an appeal to the Pennsylvania Supreme Court.
- Shepherded an amendment to the Eminent Domain Code through the Pennsylvania General Assembly on behalf of a land conservancy non-profit.
- Handled a pipeline condemnation where the condemned property was part of a larger parcel already slated for condemnation by the Philadelphia International Airport.
- Represented a private developer in an inverse condemnation suit brought by an adjacent landowner against our client and UDOT over taking of land for purposes of road accessing resort development in Deer Valley, Utah.
- Represented PECO in a jury trial for PennDOT's taking of a 6.2 mile railroad corridor running from King of Prussia to Berwyn, Pennsylvania.

Industrial Properties

- Represented a major auto-auction company in relocation and reimbursement claims for the taking of the entrance of its facility by UDOT in Salt Lake City.
- Protected the electrical grid by filing preliminary objections to a partial taking by PennDOT of a utility property in Center City Philadelphia.
- Obtained full compensation for the owner of a pasta facility, land building, and equipment, based on the assembled economic unit doctrine in a taking for expansion of Philadelphia International Airport.
- Protected a vital access road to a major energy plant in western Pennsylvania by filing preliminary objections to a taking by PennDOT.

- Negotiated a multi-million dollar settlement with PennDOT on behalf of the owner of a telecommunications facility and iconic billboard along I-95 following award of Philadelphia Board of View.
- Represented an industrial facility owner in a partial taking by Gloucester County Improvement Authority.

Condemnor Representations

Municipalities

- Defending the City of Sioux Falls, SD against a *de facto* taking claim in connection with a roadway project, in which the owner alleges a taking of his property 15(+) years ago.
- Represented the City of Salem, NJ in a condemnation of an office building as well as multiple parcels for an affordable housing project.
- Represented a local Utah municipality in a potential eminent domain case in an effort to prevent an adjacent county from constructing a public road over a mountain pass into the municipality
- Represented Whitpain Township, PA in the condemnation of a residential subdivision for green space.
- Represented the City of Camden, NJ in connection with condemnations for a redevelopment project and an affordable housing project.

Utilities and Authorities

- Managing all aspects of the condemnation of more than 150 properties for the Philadelphia Housing Authority in support of two scattered site affordable housing developments.
- Negotiated a favorable settlement prior to jury trial on behalf of PECO Energy Company in a condemnation for a major new substation in Philadelphia's University City.
- Advising a national generation company in connection with an interstate transmission line project.
- Represented a wind-farm developer in a taking by a CO2 pipeline company in rural South Dakota.
- Advised a national pipeline company regarding condemnation under Pennsylvania law, including public utility designation and Pennsylvania corporation power.
- Represented an energy co-op in Garfield County, Utah in connection with eminent domain of property for improvement of electrical lines benefiting the community.
- Represented PECO Energy Company in a taking of land for expansion of a substation in Chinatown, Philadelphia.
- Defended SEPTA against a claim for *de facto* condemnation through the Pennsylvania Supreme Court in connection with the expansion of the Market Street Subway Line.

Redevelopers

- Overseeing the acquisition of 620 residential condominium units in Lindenwold, NJ on behalf of a redeveloper designated under NJ Redevelopment Law.
- On behalf of a redeveloper designated under NJ Redevelopment Law, oversaw acquisition of land for Wawa and a restaurant in Barrington, NJ.

CONTACT

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