



Property Acquisition & Takings



Our Firm represents a range of public agencies in acquiring real property through negotiated transactions and, when necessary, the lawful exercise of the power of eminent domain. Our practice includes advising clients throughout the property valuation and acquisition process and counseling clients on how to avoid inverse condemnation claims arising out of land use and other regulations. We are also adept at litigation of these issues at the trial and appellate levels, when efforts to avoid claims or reach a negotiated resolution are unsuccessful.

Our expertise in municipal and environmental law adds to our effectiveness in the property acquisition arena because we are able to coordinate property acquisition with all other aspects of the project for which property is being acquired. Thus we assure that environmental review, financing, budgetary, and construction scheduling issues are all taken into account in the acquisition process. In addition, we defend our public agency clients against inverse condemnation claims based on alleged physical and regulatory takings.

ATTORNEYS

FRED GALANTE
LONA N. LAYMON
SANAZ (SUNNY) K. SOLTANI
PAM K. LEE
ANNE N. LANPHAR
ELENA Q. GERLI
JOSEPH W. PANNONE
JUNE S. AILIN
JEFF M. MALAWY
TIFFANY J. ISRAEL
DANNY ALESHIRE

Expertise

- Negotiating and drafting purchase agreements
- Appraisal and valuation
- Property owner notices
- Relocation guidelines, assistance and benefits determinations, including administrative hearings
- Precondemnation and inverse condemnation damages
- Public purpose, including blight, and right to take issues
- Contaminated property and valuation and remediation issues
- Partial takings, remnants, and severance damages
- Business impacts including loss of goodwill
- Inverse condemnation claims involving alleged physical and regulatory takings

Expertise in Action



We have handled numerous property acquisition and eminent domain matters, including acquisitions for freeway and road projects, government buildings, schools, shopping centers, car dealerships, public utility facilities, dams and water projects, natural gas pipelines, oil drilling projects, redevelopment projects, and low- and moderate-income housing projects. We become involved in the acquisition process from the inception, at the pre-acquisition valuation stage, and provide our clients with sound advice regarding the appraisal, negotiation, acquisition, relocation and condemnation processes, including coordination with other legal requirements, from the outset.

Acquisition of real property by a public agency is often a sensitive undertaking, particularly when eminent domain is involved. We ensure full compliance with all applicable laws and constitutional principles. Mindful of the importance of both public purpose and private property rights, we seek an outcome that is fair to all concerned, including the property owner and the public.

The need to acquire real property is nearly always a function of a larger project of some kind. Our expertise in municipal law and representing public agencies in the legal requirements for bringing projects to fruition increases our effectiveness in the property acquisition process because we have the understanding and capability necessary to coordinate property acquisition with other aspects of the project for which the property is being acquired.

In particular, our expertise in environmental and land use issues provides our clients with a strategic advantage. We have dealt with challenges to the right to take, challenges to environmental review and mitigation, claims for unreasonable delay or unreasonable conduct by a public agency, the effect of contamination on property value, disputes over the highest and best use of a property, claims for loss of business goodwill, severance damages and relocation benefits, and claims that a proposed use is not a valid public use.

We have extensive experience in defending public agencies against regulatory "takings" claims ranging from temporary takings issues to individualized exaction cases. We have dealt with inverse condemnation/takings claims ranging from zoning decisions to conditions of approval of land use permits to mobilehome park regulatory and rent control issues.

Throughout the process, our objective is to ensure our clients achieve their objectives in the most cost-effective manner possible, while at the same time seeking an outcome that is fair to the property owner and the public.