



A Property Owner's Survival Guide to Eminent Domain

**10 Things You Must Know When
the Government Wants Your Property**

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**What is Eminent Domain and
What are My Rights if the Government
Seeks to Condemn My Property?**



... unanimous ...

Where in the course of human events, it becomes necessary to dissolve the political bands which have connected them with another State, to assume among the powers of the earth, the separate and equal station to which the Laws of Nature and of Nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

That among these are Life, Liberty and the pursuit of Happiness. — That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its Powers in such form, as shall seem to them most likely to promote their Safety and Happiness. Prudence, indeed, will dictate that Governments long established should not be changed for light and transient causes; and accordingly all experience has shown that the abuses and grievances of long established Governments are seldom the result of sudden passions, but are the gradual and insidious growth of abuses, which have time to become habits, and habits to become rights.

WE THE PEOPLE

in order to form a more perfect Union, establish Justice, insure domestic Tranquillity, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do hereby ordain and establish this Constitution for the United States of America.



What is Eminent Domain?

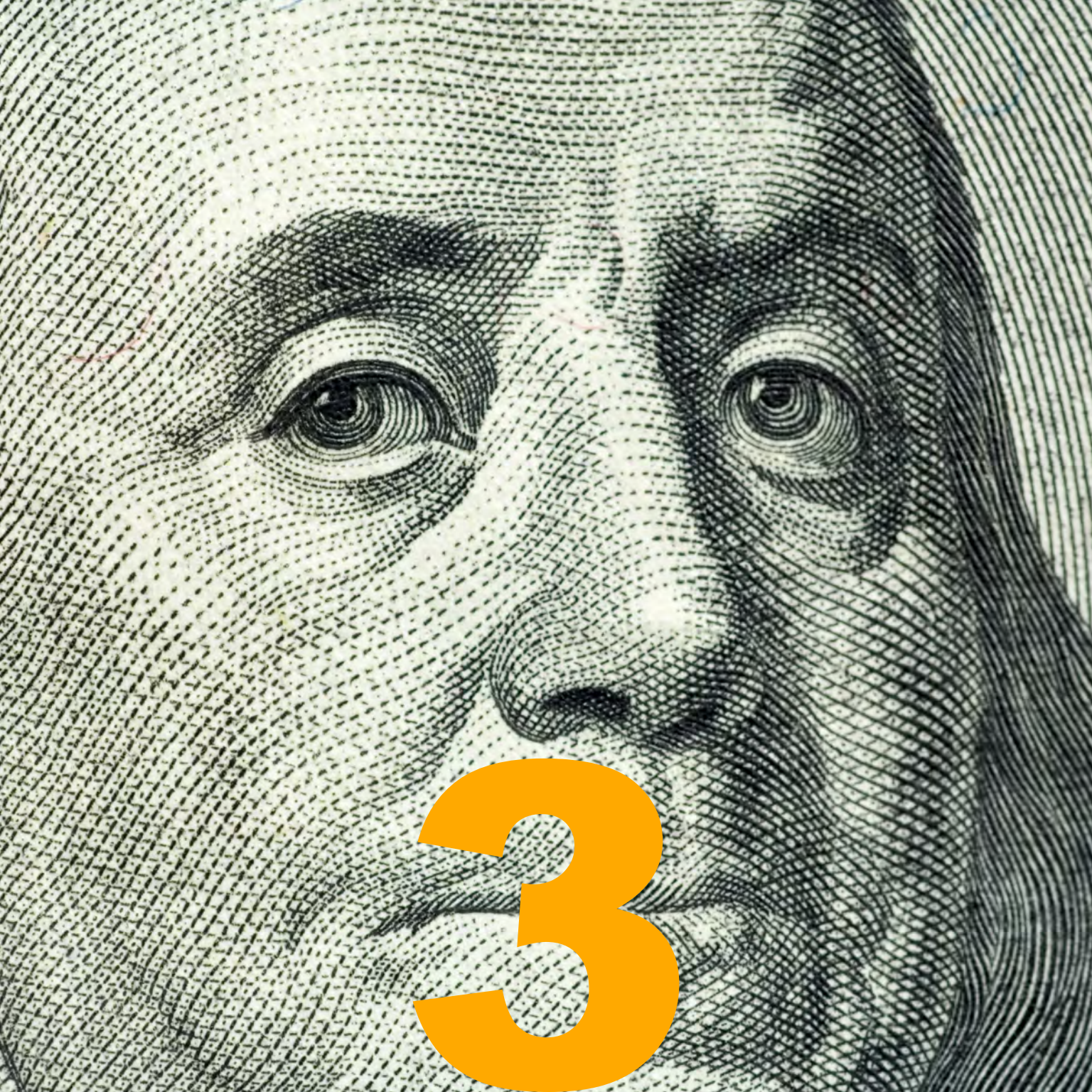
- Eminent Domain is the power of the government to take or “condemn” property for public use, without the owner’s consent.
- The government must compensate the owner for the property it takes.
- The “government” includes cities, counties, states; as well as agencies such as Caltrans, local transit agencies, water districts, and utility companies.

**STRICTLY
PRIVATE
NO ACCESS**

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Will I be able to stop the government from taking my property?

- You are entitled to challenge the government's taking of your property, but absent unusual circumstances, it is very rare to be able to stop the government from taking your property under eminent domain laws.
- You may be able to slow or delay the taking of the property if the government fails to follow proper procedures.
- This process can be complicated and challenging to navigate. Consulting with an eminent domain attorney can help guide you, and, if necessary, the attorney can assist you in challenging the government's right to take your property, and fight to get you the best possible result.



What compensation am I entitled to?

- The government must pay “just compensation,” which is the Fair Market Value of your property.
- Fair Market Value means the highest price a buyer would pay on the open market.
- It is important to remember that you do not have to accept the government’s initial offer of compensation. You may make a counter-offer, or assert a higher value for your property.



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How does the eminent domain process work?

- The government may send appraisers or other agents to talk to you about your property – remember that these appraisers work for the government, not you.
- You may receive an offer to purchase your property or notices of upcoming hearings – do not ignore them! Experienced attorneys can refer you to licensed appraisers and others who can provide important expertise to strengthen your claims.
- Developing a proactive strategy is key – eminent domain discussions can linger for years, but once the process begins, it may be too late.

A photograph of the entrance to City Hall, a red brick building with a classical stone portico. The entrance is framed by two columns and a decorative pediment. A black sign with gold lettering is in the foreground, partially obscured by a large yellow number '5'. The sign reads 'CITY HALL' and 'ESTABLISHED 1908'. The building has several windows with white frames. The scene is captured from a low angle, looking up at the entrance.

CITY HALL

ESTABLISHED 1908

5

What if I received a *Notice of Hearing of Resolution of Necessity*?

- Do not ignore this notice. If you did not reach an agreement with the government following its written offer, you will receive a notice of a public hearing. This is when the government will make the formal decision to acquire property by eminent domain.
- If you want to fight the government's condemnation action, it is critical to raise any objections at this hearing.
- You have only 15 days after the notice is mailed to file a written request to appear and be heard at the hearing.



Do I have the right to be compensated for lost rental income?

- The government may begin relocating tenants even before it acquires a property from an owner.
- The government is responsible to pay you for all the rental income you would have received had the government not relocated your tenants.
- Negotiating a “lost rents agreement” will help ensure that you are compensated for your lost rental income.



What if the government wants only *part* of my property?

- Often the government needs only a portion of your property – such as a piece of sidewalk needed for a street-widening – but your remaining property (or business) may lose value because it is on a smaller parcel or is less accessible.
- You may be entitled to compensation not only for the value of the portion the government takes, but also for damages to your remaining property, known as “severance damages.”

CLOSING

THIS STORE

EVERYTHING

MUST GO



Am I entitled to anything more for my business?

- You may be able to recover for lost “business goodwill” and other business losses caused by the government’s project.
- You may be entitled to compensation if your business loses any of the benefits of its location as a result of the taking, even if your business does not have to actually move.
- You may be entitled to recover relocation expenses if you are forced to relocate your business.



Can I negotiate with the government on my own without a lawyer?

- Property owners are entitled to protect their own interests, but in many cases, owners will obtain a better recovery if represented by knowledgeable attorneys.
- Keep in mind that the government has its own team of lawyers and other experts to help protect its interests.
- You may be able to maximize the compensation you will receive by having your own team working for you.



Where should I go for assistance?

Nossaman's Eminent Domain attorneys have an unrivaled track record of success in representing landowners and have recovered hundreds of millions of dollars in compensation on their behalf. Our team is of one of the largest single eminent domain groups in the State – regularly achieving top-notch results in eminent domain proceedings, starting even before the government files the action.

Nossaman will not only work for you but may be able to arrange for your case to be handled on a contingency fee basis, which means you do not pay attorneys' fees unless you get more than the government offers.

For a free consultation to discuss your rights as a landowner with one of our experienced eminent domain attorneys, contact us at **844.806.2800** or eminentdomain@nossaman.com.

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