

Eminent Domain

The Real Estate, Zoning & Public Finance Service Group at Amundsen Davis has handled eminent domain matters for both landowners and condemning government authorities for more than 30 years. We negotiate just compensation for eminent domain takings and work with experts, such as property appraisers, to protect the best interests of our clients. Our attorneys also have experience taking real estate disputes, including eminent domain issues, to trial when necessary.

Our clients include a wide range of property owners including commercial real estate owners and investors, farmers and agricultural businesses, retail and shopping centers, banks, and residential landowners. We also have experience advising financial institutions, landlords, and tenants on the effects of condemnation and eminent domain issues on the operation of mortgage instruments and leases.

Together, we draw upon our Midwest depth and nationwide experience to handle the ancillary real estate issues alongside eminent domain matters. Our background and understanding enable us to identify additional legal issues that can arise as the result of an eminent domain proceeding and help to resolve additional matters related to land use, zoning, regulatory law, and real estate transactions. Our services for eminent domain clients go above and beyond merely challenging the government's appraisal.

Our eminent domain services include:

- **Property Acquisition Defense:** Advocating for fair compensation and favorable terms during eminent domain takings by the government or other condemning authorities, such as utilities.
- **Valuation Disputes:** Partnering with experts including appraisers, engineers, traffic consultants, real estate brokers, and development planners to challenge undervaluation of real estate takings and build strong cases to secure the maximum compensation for our landowner clients.
- **Litigation and Appeals:** Providing robust representation in court to defend property rights and achieve favorable outcomes in eminent domain cases.
- **Representation of Mortgagees:** Providing representation and counsel for commercial and residential mortgage lenders impacted by eminent domain proceedings against their real estate collateral.
- **Inverse Condemnation:** Prosecuting inverse condemnation claims against government and related public entities for wrongfully taking real estate without following the proper process, seeking to secure the maximum compensation for our landowner clients.

PROFESSIONALS

Daniel Faust
Senior Counsel

Christopher J. Jaekels
Partner

Keith D. Mundrick
Partner

RELATED SERVICES

Litigation

Real Estate, Zoning & Public
Finance

Eminent Domain FAQ

“Eminent domain” or “condemnation” describes the government’s power to take private property for public use without the owner’s consent. However, the Constitution forbids the taking of private property without providing “just compensation” to the owner.

Although the government may make an initial purchase offer or several offers to a landowner, landowners generally have the right to challenge the amount of compensation offered by the government for any “taking” of real estate or similar property interests, such as easements or right-of-way. This often includes a right to a trial by jury to determine the amount of compensation owed to a property owner.

Experience

Prosecuted Inverse Condemnation Claims on Behalf of Real Estate Investors

Defended Landowner From Eminent Domain Claims at High Visibility Intersection

Represented a Government Entity in Multiple Eminent Domain Issues Regarding Right to Take and Value of Award

Successfully Represented a Government Agency on a Motion for Partial Summary in an Eminent Domain Action

Represented and Advised a Lender on Real Estate Matters Related to a Commercial Real Estate Loan Secured by Property Subject to Ongoing Eminent Domain Litigation

Alerts

Losing Land to Eminent Domain? Plan for Tax Consequences Using an Internal Revenue Code Section 1033 Exchange

Article, *Amundsen Davis Eminent Domain Alert*, October 18, 2024

Three Real Estate Issues Facing All Bank Branches

Article, *Amundsen Davis Banking & Finance Alert*, June 5, 2024

Nearby Road Closures Remain Non-Compensable in Indiana Eminent Domain Proceedings

Article, *Amundsen Davis Eminent Domain Alert*, November 3, 2023

Blog Posts

Nearby Road Closures Remain Non-Compensable in Indiana Eminent Domain Proceedings

In the Dirt: A Real Estate Legal Update, November 3, 2023

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