

## Services & Industries

### Eminent Domain & Condemnation

Lowndes attorneys represent our clients in connection with eminent domain takings for the construction or widening of roads, public buildings and other public works projects, as well as private takings by utility and pipeline companies. We have represented virtually all types of property owners affected by condemnation actions. Our cases have involved commercial buildings (shopping centers to office), industrial, multi-family and single-family residential, agricultural, mining and vacant properties, as well as multi-use and planned unit development sites.

The first knowledge which most property owners have that a condemnation project will affect them is when the government's appraiser or surveyor contacts them. It is important to seek legal advice right from the start. In many instances, the impact of the project on a property can be lessened if the design is reviewed by your own consultants at an early stage. The further a project progresses toward actual construction, the less the likelihood of obtaining favorable design changes.

Following an initial consultation and an inspection of the property affected by the planned project, our firm will engage, on behalf of the property owner, the appropriate team of consulting experts: appraisers, land planners, civil and traffic engineers, surveyors, accountants and other experts. The consultants we engage are not only specialists in their area of expertise but are also familiar with the peculiarities of eminent domain law as it affects their discipline. In Florida, the condemning authority is required by statute to pay the property owner's legal fees, as well as the fees of necessary consultants required to evaluate and defend the taking.

With the assistance of our consultants, the property is evaluated at its highest and best use before the eminent domain taking, which can include likely future changes in land use and zoning. The property is also evaluated in the "after" condition for the purpose of determining the decline in value of the remaining portion of the property. The owner is entitled to be fully compensated for both the land actually taken and the damage to the value of the remainder. Under certain specific circumstances, a business owner may also be entitled to recover permanent loss of income which is a direct result of the taking.

While the cases are too numerous to list, we have represented the following types of businesses and property owners over the years: large and small shopping center developers and operators, national retailers, office park owners, national and regional banks, large multi-use development sites, restaurants, national bookstore chain, convenience stores, furniture rental businesses, light and heavy industrial operations, retail tire stores, veterinary clinics, bowling centers, apartment complexes, condominium and townhome developments, single-family residences and subdivisions, limerock mines, agricultural and grove properties, and an NYSE real estate investment trust with over 1200 commercial properties in numerous states.