

Condemnation & Eminent Domain

Overview

Federal and state governments, cities, counties and private entities, such as electric, gas, railroads and telephone companies, have the authority to condemn property by law if (i) the land is taken for public use and (ii) “just compensation” is paid for the land. As Texas continues to experience growth at a rapid pace, there is likewise an increasing need for sewer, electrical transmission, road, pipeline and other transit projects to accommodate this growth. Munsch Hardt’s experienced Condemnation & Eminent Domain attorneys offer significant experience in representing clients as both condemnees and condemners.

When it comes to representing condemnees, such as individuals, national retailers, manufacturing companies, hotel and restaurant owners, real estate developers, REITs and individual owners, Munsch Hardt provides customized advice and counsel to ensure clients maximize their economic benefits by receiving full “just compensation” for property as well as minimize the negative impacts and damages that could affect the current and future use, value and operation of property. We also understand this can be a complicated and foreign process to property owners, which is why we clearly and fully outline the condemnation process and develop strategies to protect your rights and help navigate the negotiations, filings and, if necessary, the trial and appeal process.

While our practice does not usually represent governmental agencies, we do work closely with condemning authorities, such as departments of transportation, pipeline, telephone and utility companies, to ensure they acquire the necessary rights for their projects in a fast, efficient and cost-effective manner. We work to deliver property in the most efficient and cost-effective manner possible. Issues we commonly address for clients in this area include valuation of property condemned, damage to the remainder and the authority to condemn.

Whether representing a condemnnee or a condemner, Munsch Hardt is capable of managing the full spectrum of eminent domain issues and offers vast resources to protect the various parties. Our team offers a multidisciplinary approach, working closely with the Firm’s Real Estate and Zoning & Land Use practice, as well as its Tax, Acquisition, Appellate and Litigation lawyers. We also enjoy relationships with leading expert witnesses, such as appraisers, land planners, engineers and architects.

With respect to linear transportation or utility-related condemnation, Munsch Hardt has also represented clients before public utility and other commissioners and in court on matters involving facility siting, right of way and electrical transmission lines.

Experience

Light Rail/Subway Construction

Represented multiple parties in nationwide combined National Environmental Policy Act (NEPA) and condemnation matters involving the construction of an urban light rail/subway project through downtown Dallas, Texas.

Oil & Gas Operators

Represented independent oil and gas operators in a combined NEPA, Clean Water Act and condemnation matter concerning the construction of a federally funded state highway through a producing oilfield.

Private Club

Represented a private club in a combined NEPA, Clean Water Act and Administrative Procedure Act matter involving the construction of a mine under a river.

Power Plant Construction

Represented multiple parties in a combined NEPA, Clean Water Act and Administrative Procedure Act matter enjoining the construction of power plant.

Related People

Frederick Addison
Claire Carroll
Nolan Knight
Mary Koks
James Ray
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