



Eminent Domain and Real Property

Our firm regularly represents private property owners on matters relating to condemnation and the power of the government to “take” private property through the eminent domain process. Our lawyers have litigated eminent domain matters involving public authorities at the municipal, county, state, and federal level, throughout Ohio and in other states, on behalf of businesses, developers, and individual landowners.

Our representative engagements in this area include the following matters:

- Trying eminent domain cases to juries, including recently obtaining a seven-figure jury verdict that was 10 times the amount of the State’s quick-take deposit and a jury verdict 22 times the State’s deposit
- Negotiating substantial settlements for clients far in excess of the initial offers from appropriating authorities, including the Ohio Department of Transportation
- Negotiating revisions to the nature and extent of appropriations to minimize the adverse impact to a client’s property
- Litigating crucial eminent domain concepts for successful settlements or trials, such as:
 - Public purpose
 - Public necessity
 - Concept of the larger parcel
 - Elements of compensable damage to the remainder
 - Highest and best use of property
 - Current and future zoning and land use trends
 - Compensation for internal circuitry of travel, including parking loss
 - Use of various permissible appraisal methods to enhance value
 - Compensation for business interruption, diminution in business, loss of parking and underground minerals

RELATED PRACTICES

- Energy and Utilities
- Environmental
- Real Estate and Commercial
- Real Property, Zoning, and Land Development

ATTORNEYS

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- Richard D. Schuster
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- Remedies when an appropriating authority abandons a case
- Access issues
- Inverse condemnation
- Use of expert engineers and consultants to enhance value

In addition to eminent domain matters, our attorneys actively represent clients in the full range of real estate matters. We work with private real estate developers and investors, home builders, financial institutions, insurance companies, governmental authorities, contractors, subcontractors, architects, and a wide variety of owners and users of office buildings, retail and other commercial properties, industrial facilities, farms, and single and multifamily properties. The depth of our practice in this area allows us to provide timely and efficient service on all types of real estate issues.