

## Services

### Land Use, Zoning, Real Property and Eminent Domain

#### Practice Contacts

Christopher L. Ingram

John M. Kuhl

Joseph R. Miller

#### Attorneys

Elizabeth S. Alexander

James T. Barnish

Philip F. Downey

Thomas H. Fusonie

Andrew P. Guran

Christopher A. LaRocco

Martha Brewer Motley

Eric A. Parker

William G. Porter

Steven R. Rech

Richard D. Schuster

Elizabeth "Beth" A. Seedorf

Jill S. Tangeman

Recognized by *Chambers USA* as a “go-to practice” for land use, zoning and eminent domain matters, we regularly represent clients in matters relating to condemnation and the power of eminent domain as well as help them navigate the full range of zoning and land use issues.

Our real estate litigators represent owners, developers, landlords, tenants, buyers, sellers, lenders and other interested parties in a wide variety of real estate disputes throughout the United States. We have experience with complex, multi-party disputes and are equipped to handle these matters in court, administrative agencies or through alternative dispute resolution (ADR) methods. We have significant experience litigating various issues such as development disputes, zoning and building regulations, land use disputes, title insurance claims and defense, eminent domain matters, construction defects, mechanics' lien disputes, lease and purchase contract disputes. Our practice also includes advising clients on resolving zoning matters and title defects, addressing environmental concerns, effecting 1031 exchanges, and structuring conventional and synthetic leases.

### Land Use, Zoning and Real Property

We represent buyers, sellers, developers, landlords, tenants and owners in a wide variety of real estate disputes throughout the state of Ohio. We regularly represent clients litigating land use issues, in state and federal courts, in addition to appearing before city councils, boards of zoning appeals, planning and zoning commissions, and other administrative bodies of political subdivisions on land use matters. Our attorneys have been instrumental in advising trade associations and other clients in legislative matters affecting land use rights.

We often represent clients in zoning, building regulation, land use and land planning matters, including obtaining approval of industrial and commercial projects, residential subdivisions, and planned developments. In this area, we regularly assist clients in navigating the process of annexing property into municipalities. Our attorneys also have extensive experience in assisting clients in the various kinds of governmental permitting processes that are critical to successful land development projects.

Our attorneys routinely represent both landowners and political subdivisions on land use issues that may lead to litigation, including:

- Annexations
- Assessments
- Tax valuations
- Adverse possession
- Zoning
- Administrative appeals
- Civil rights actions based on denial of property rights
- Constitutional challenges to zoning regulations, detachments, variances and special use permits
- Citizen referenda and initiatives
- Prior non-conforming uses
- Inverse condemnation
- Claims under the Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA)

### Lease Disputes

When lease disputes arise, we evaluate opportunities to craft “win-win” solutions to control costs by employing a range of alternative dispute resolution (ADR) methods and potential settlement agreements that advance our clients’ business and litigation goals. When clients decide to fight or defend claims in court, our nationwide team of litigators represents our clients to obtain favorable results in court.

Our nationwide leasing experience has involved many categories of landlords and tenants of office, retail, commercial and industrial properties in a variety of leasing issues. Our leasing clients include all types of retail and commercial property owners, as well as tenants of retail, office and industrial space. Vorys acts as national leasing counsel to numerous retailers, providing the background and context to understand both the legal and business issues involved with each client’s real estate portfolio.

### Eminent Domain

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 levels, throughout Ohio and in other states, on behalf of businesses, developers and individual landowners.

[Learn more here.](#)

### Agriculture

Vorys has significant experience representing farmers in cases all over the state when the government uses its power to take farmland through eminent domain related to road projects, flooding, pipelines and utility easements. Our team understands the tactics of governments at municipal, county, state and

federal levels and knows exactly what to expect. [Learn more here.](#)

## Construction

Our construction attorneys help resolve construction claims effectively and efficiently. Whether through litigation, arbitration, or other dispute resolution means, we work closely with our clients and experts, where appropriate, to identify issues and strategies quickly, and to manage claims and dispute resolution costs.

We represent clients across the spectrum of the construction industry, including property owners, developers, architects, engineers, public and private contracting authorities, financial institutions, contractors and material suppliers. Our experience allows us to help ensure clients have a complete understanding of all legal aspects of the construction and dispute resolution process, including planning, land acquisition and zoning, design and engineering, financing and insurance, taxes, bidding and negotiation, project delivery methods, scheduling and coordination. [Learn more here.](#)

## Cannabis, Hemp and CBD

We have a wealth of knowledge when it comes to zoning considerations and compliance concerns related to the Ohio Medical Marijuana Control Program applications, including location restrictions. We have also assisted dispensaries, processors and cultivators with local zoning issues and obtained approvals in the face of local opposition. Additionally, we assist with land development, permitting and environmental zoning issues. [Learn more here.](#)

## News

[News, 11.2.2023](#)

Vorys Receives 72 Tier One Rankings on 2024 Best Lawyers "Best Law Firms" List

[News, 10.9.2023](#)

74 Vorys Attorneys Included in 2023 *Columbus CEO's Best Lawyers*

[News, 8.17.2023](#)

More Than 155 Vorys Attorneys Named to the 30th Edition of The Best Lawyers in America® Lists

[News, 8.17.2023](#)

15 Vorys Attorneys Included in the 30th Edition of Best Lawyers "Lawyer of the Year"

[News, 6.8.2023](#)

Miller Quoted in *Law360* Story Titled "Ohio Justices Rule Land Takings Settlement Is Enforceable"

[News, 6.1.2023](#)

Thirty-Three Vorys Attorneys Ranked in 2023 *Chambers USA* Guide

News, 4.14.2023

Miller Quoted in *Columbus Business First* Story Titled "Bexley Affordable Housing Project Goes Before Appeals Court"

News, 4.7.2023

Miller Quoted in *Akron Beacon Journal* Story Titled "Developer asks Federal Court to Reverse Tallmadge Decision Blocking 236 New Homes"

News, 11.3.2022

Vorys Receives 69 Tier One Rankings on 2023 *U.S. News – Best Lawyers* "Best Law Firms" List

3.30.2022

Miller Quoted in *Columbus Business First* Story Titled "Lifestyle Communities Sues Worthington Over Stalled United Methodist Children's Home Project"

3.25.2022

Miller Quoted in *Columbus Dispatch* Story Titled "Developer Sues Worthington over Methodist Children's Property"

2.17.2022

Miller Quoted in *This Week: Worthington* Story Titled "Lifestyle Communities Attorney Raises Legal Question About Recent Actions by Worthington City Council"

News, 1.4.2022

Miller Quoted in *Columbus Business First* Article Titled "Jerome Township Settles Lawsuit with Developers Over 'Broken' Zoning Process"

News, 3.1.2021

Fusonie featured on Our Ohio Weekly Podcast "How LEBOR was Defeated"

News, 9.4.2020

Miller Quoted in *Columbus Business First* Story Titled "Kenney & Co. Wins Round in Fight With Powell over 'Residential Hotel' Proposal"

News, 8.31.2020

Miller Quoted in *Columbus Business First* Story Titled "Judge Sides with Landowners in Genoa Township Development Battle"

News, 6.30.2020

Miller Quoted in *Columbus Dispatch* Story Titled "Apartment Complex Accuses Delaware of Housing Discrimination"

News, 2.19.2020

Miller Quoted in *Columbus Business First* Story Titled "Pataskala's Residential Development Ban Prompts Lawsuit"

News, 12.19.2019

Miller Quoted in *Delaware Gazette* Story Titled "Settlement Reached in Genoa Township"

News, 10.22.2019

Miller Quoted in *This Week: Dublin* Story Titled "Dublin School District Seeks Traffic Solution After Restraining Order Near Emerald Campus"

News, 1.22.2018

Miller Quoted in *Delaware Gazette* Story Titled "BOE Nixes Berlin Twp. Referendum"

News, 12.18.2017

Miller Quoted in *Dayton Daily News* Story Titled "Owners of Former Store Sue Xenia; Lawsuit Alleges City Damaged Wall During Next-Door Demolition"

News, 12.14.2017

Miller Quoted in *Xenia Gazette* Story Titled "Building Owner Files Federal Lawsuit Against Xenia"

News, 9.12.2017

Miller Quoted in *Columbus Dispatch* Story Titled "Housing Plans Rebuffed, Delaware County Landowner Proposes Livestock"

News, 2.21.2017

Miller Quoted in *Delaware Gazette* Story Titled "Harpers Pointe can move forward in Powell"

News, 5.15.2013

Vorys Partner Quoted in *This Week: Westerville* Story Titled "Jury Goes Against Westerville in State Street Case"

News, 11.19.2012

Ingram Quoted in *Columbus Dispatch* Story titled "Property Owners Want out of Dublin"

News, 8.11.2012

Miller Quoted in *Columbus Dispatch* Story on Westerville Eminent Domain Case

News, 2.2.2012

Tangeman Featured in *This Week News* Story on Corporate Housing Zoning Regulations

News, 12.2.2011

Ohio Supreme Court Orders the State to Compensate Grand Lake St. Marys Landowners

News, 9.28.2011

Vorys Litigators Successfully Negotiate Settlement in Huron River Greenway Dispute

News, 3.31.2010

Vorys Secures Jury Verdict in *ODOT v. Reywal Co. Limited Partnership, et al.*

News, 11.21.2008

Vorys Team Prevails on Behalf of Developer in Civil Rights Action

News, 10.10.2007

Ingram Quoted in *Lima News* Story titled "\$300,000 Kewpee Wins Big in Land Feud"

## Publications

Client alert, 4.22.2020

Ohio Supreme Court Permits Agricultural Exemption to Local Zoning Regulation to Allow for a Barn to be Rented Out for Social Events

Authored article, *Business Courier*, 9.28.2007

"Know Environmental Picture Before Tackling Infill Projects"

Authored article, *Business First*, 6.1.2007

"Bill Seeks Way to Pay Landowners Hamstrung by Zoning Limitations"

## Speaking Engagements

Event, 7.19.2023

Grow in Ohio: Land Use & Zoning: Understanding the Ohio Entitlement Process