

OUR EMINENT DOMAIN EXPERIENCE IS TOP-NOTCH. ADDING OUR ENTIRE FIRM'S PUBLIC LAW KNOWLEDGE, WE CAN PROMISE A TEAM WITH UNRIVALED EXPERTISE.



BRENDA AGUILAR-GUERRERO

Chair, Eminent Domain & Inverse Condemnation Practice Group

Brenda Aguilar-Guerrero has litigated numerous condemnation matters on behalf of transportation agencies, redevelopment agencies, counties, cities, special districts and other public agencies. As a result of Brenda's extensive experience and expertise in eminent domain matters, she has served as the Co-Chair for the annual Eminent Domain Conference sponsored by Continuing Legal Education (CLE) for the past four years and frequently lectures for various organizations including Lorman, CLE International, the Annual State Bar Conference, and the International Right of Way Association.

In 20 years, we have represented almost 50 public entities in eminent domain matters, and nearly as many in eminent domain litigation. We know that each eminent domain matter is a unique and complex circumstance. We believe these matters can be satisfactorily and fairly concluded by our team of experts and our thoughtful approach.

The authority to take land is a weighty responsibility that can put public entities at the mercy of many unpredictable variables (public skepticism and labyrinthine regulations are just the beginning). The end result of these unpredictable variables can be a cost that is much higher than anticipated or even merited. Our experience and our stellar reputation help ensure this doesn't happen to you.

COMPREHENSIVE ADVICE THROUGHOUT THE EMINENT DOMAIN PROCESS

We help public entities use eminent domain authority effectively and responsibly to build public projects. From project planning to public hearings, and from negotiation to trial and appeal, we help keep the process on track and minimize public entities' financial risks.

For example, during project planning, we work closely with our clients on project schedules, legal imposition of deadlines, land use issues, title and complex valuation issues, and potential court challenges. We also provide in-depth counsel to clients on compliance with federal and state regulations such as the California Environmental Quality Act (CEQA), state and federal endangered species legislation, and other related laws.

Our knowledge of the intricacies and nuances of eminent domain valuation principles enables us to better estimate land acquisition costs and make recommendations to minimize litigation costs and attorney fees. We are attentive and authentic, and this approach reduces concern for both the agency and the property owner.

Our ultimate goal is to develop and implement cost-effective and timely land acquisition strategies that meet each client's unique needs and goals. If a matter proceeds to litigation, we have the skills and experience to deliver positive results in the courtroom. We have been responsible for several published court decisions and changes in legislation that have helped shape eminent domain law in California. Our appeals have established important legal precedents for public entities.

ACQUISITIONS FOR ALL TYPES OF PUBLIC PROJECTS

We have worked with cities, counties, public utilities, redevelopment agencies and special districts to acquire property for all types of projects, including:

- Highways, rail transit and railroads;
- Public housing;
- Commercial buildings;
- Schools and parks;
- Blight removal;
- Sanitation and flood control facilities;
- Water lines, dams and reservoirs;
- Agricultural land;
- Endangered species habitats;
- Power transmission and other utilities;
- Airports; and
- Rights to air, subsurface minerals and wind power.

*Eminent Domain & Inverse
Condemnation Services*

- Property owner rights
- Inverse condemnation
- Contaminated land issues
- Relocation benefits
- Goodwill valuation
- Environmental issues
- Major commercial real property valuations
- Acquisition of property for flood control
- Arcane tax issues (e.g., railroad reversionary rights)
- Pre-condemnation damage claims
- Objections to the right to take
- Severance damages
- Temporary severance damages
- Application of deadline requirements to valuation issues
- Acquisitions of public property for “more necessary” or “compatible” use
- Substitute condemnation
- Valuation of leasehold interests and part takes
- Right-to-take challenges
- Regulatory takings

To complement our services, we draw on a highly qualified and experienced team of other professionals as needed, including community relations consultants, environmental consultants, geotechnical experts, relocation agents, title and escrow officers, appraisers, and others.

INVERSE CONDEMNATION

We have extensive experience defending public entities from all types of inverse condemnation claims. Generally, these claims (where a landowner asserts a public entity has taken his or her property without paying just compensation) can be divided into three categories:

- Physical taking claims that allege a public entity’s project caused a physical intrusion onto a landowner’s property;
- Regulatory taking claims that allege a public entity’s land use decision deprived a landowner of all economically viable use of his or her land; and
- Klopping claims that allege a public entity engaged in “unreasonable precondemnation delay or conduct” that caused precondemnation damages to a property before it commenced eminent domain proceedings to acquire that property for a public project.
- In addition to defending against such claims, we routinely advise public entities during the eminent domain process as to how to avoid facing such claims in the future.

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