

EMINENT DOMAIN AND CONDEMNATION

Eminent domain is the power to take private property for a public purpose against the will of the property owner. Eminent domain is also called 'condemnation,' and the entity taking the property is also called a 'condemnor' or 'condemning authority.' Condemnors are usually part of the government or are utility companies.

Whenever this happens, the condemnor must pay money to compensate for the property and improvements taken and for damages caused to the remaining property, if any. This compensation must be paid to the owner of the property. Depending on the terms of a lease, tenants may have a claim to some of this compensation.

Florida law also requires that under certain circumstances condemnors must separately pay for damages to businesses affected by eminent domain. Additionally, Florida law also requires that condemnors must pay for the legal fees and other costs to defend against condemnation, in order to ensure that property owners, tenants, and business owners do not need to pay their legal fees and costs either out of pocket or out of a share of the compensation awarded. This is because while the U.S. Constitution only requires that condemnors pay just compensation, the Florida Constitution requires that condemnors pay full compensation, which means that none of the compensation for the property owner, tenant, or business owner should have to go to lawyers, appraisers, engineers, or other members of the defense team. Many condemnors also pay additional relocation assistance in case the property cannot continue to be occupied after the condemnation.

To put it another way, from the perspective of property owners, tenants, and business owners, their attorney essentially works for free.

Berger Singerman's eminent domain lawyers focus on stopping or delaying condemnations when possible; on pushing condemnors to change their plans to be less harmful to property owners, tenants, and business owners; and on increasing the amount of compensation paid for the taking of the property and improvements, for the damage to the remaining property, and for business damages. Berger Singerman handles eminent domain cases both at the trial level (including actual jury trials) as well as appeals.

Government bodies and utilities taking property have teams of experienced, well-prepared lawyers. Property owners, tenants, and business owners have nothing to lose and everything to gain by hiring Berger Singerman's experienced eminent domain attorneys to defend them at no cost.