

CONDEMNATION & VALUATION

LANDOWNER REPRESENTATION

The condemnation and valuation attorneys at Gallagher & Kennedy are dedicated to ensuring that our landowner clients' private property rights are protected and that they are appropriately compensated under the law. The Arizona and United States Constitutions require that private property owners be paid just compensation for the taking of their property for public use. The Arizona Constitution goes further, providing just compensation when the government takes or damages private property. Just compensation is the amount of money that places the landowner in as good a position financially as he would have been in if his property had not been taken or damaged. Compensation is typically based on the fair market value of the property at the time of the taking or damage.

Our attorneys have decades of experience assisting landowners in all stages of the condemnation process – from determining if a taking or damaging of property is legally permissible, to analyzing appraisals and negotiating with the government prior to litigation, and, if necessary, to defending the right to just compensation through trial and appeal.

We assess the unique aspects of each property and each case to determine the appropriate level of legal and expert witness staffing necessary to support our valuation position. Using this approach, we have negotiated satisfactory settlements for many of our clients without the necessity of trial. In other cases, we have aggressively litigated our clients' rights and successfully obtained jury verdicts well in excess of the government entity's valuation offers. Where appropriate, we also offer alternative fee structures including contingency fee arrangements.

Representative Experience:

- Represented homebuilders in separate trials against the City of Scottsdale and recovered two of the largest condemnation verdicts in Arizona history
- Assisted various owners of raw and developed land with the defense and successful mediation of condemnation actions filed by the Arizona Department of Transportation
- Defended property owners and businesses in condemnation actions filed by the City of Phoenix, including Light Rail acquisitions
- Advised clients regarding pre-litigation settlement strategies in a variety of government acquisitions throughout the state of Arizona