



BARTLETT LOEB
HINDS & THOMPSON

IS YOUR PROPERTY AT RISK?



EMINENT DOMAIN &
PROPERTY RIGHTS
ATTORNEYS

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IS YOUR HOME OR BUSINESS IN JEOPARDY?

Eminent domain is the power possessed by the government, utility authorities and other authorized entities (known as “condemning authorities”) to take private property for public use. Thankfully, the Fifth Amendment and the Florida Constitution require the condemning authority to pay full and just compensation for any property taken. This includes fair market value for the property, damages to any remaining property, attorneys fees and other reasonable costs related to an eminent domain proceeding. In certain circumstances, a condemning authority must also pay business damages.

INSIDE INFO

Our experience shows you will often get more if you wait before settling. While this means you could be party to a lawsuit, you can choose how involved you will be. Our attorneys are experienced litigators who can handle most of the lawsuit without your direct involvement, if you so choose.



WE THINK STRATEGICALLY

Our clients come to us because we understand what tools to use at the appropriate times. We know that attorneys are not just litigators and not every case warrants litigation. But when litigation is justified, our attorneys move cases to trial quickly and tenaciously represent our clients. Helping landowners since 1994, Bartlett Loeb Hinds & Thompson has the experience, judgment and vision to develop successful arguments for your case, whether those arguments are needed inside or outside of the courtroom.

WHAT IS EMINENT DOMAIN?

Also referred to as “land condemnation”

“Eminent domain” is the legal process by which the government and private utilities are given the legal power to take private property for a public use.

Often the government invokes eminent domain for public works projects, such as road widening, highway construction, or installation of new electrical or sewer lines.

But the power of eminent domain can also be used for:

- Schools & libraries
- Police stations and fire stations
- Public parks
- New roads
- Public utilities
- Airports
- Water treatment facilities
- Military bases and defense buildings
- Natural gas or fuel pipelines



INSIDE INFO

Generally speaking, the government can take what they want, when they want, from whomever they want. It feels unfair and you may want to fight it. That battle is likely unwinnable. Instead, focus your energy on compensation, where you can make a real difference, not fighting the inevitable.



INSIDE INFO

If you hire an attorney early, it costs you the same. Hiring an attorney also reduces the risk of making a serious mistake.

EMINENT DOMAIN & PROPERTY RIGHTS ATTORNEYS

Bartlett Loeb Hinds & Thompson is recognized as a statewide leader in the representation of land owners facing eminent domain. We represent Fortune 500 companies and family businesses; consumers and investors; public entities and homeowners.

Every law firm has its own culture. We see ours as a team of problem solvers. We offer straightforward legal representation that reduces your stress, not adds to it. We assist our clients in pre-condemnation planning, selecting and coordinating expert witnesses, negotiating with condemning authorities, and litigating those cases where negotiations will not achieve a satisfactory result for our clients. In short, we take the guesswork out of the equation so you can make informed decisions about your case.

Our clients are the focus of everything we do. Providing efficient and excellent client service is a top priority. We continually strive to offer big firm capabilities with the personal attention, focus and flexibility our clients expect from a small firm.

YOUR RIGHTS. YOUR LAND. OUR BUSINESS.

Over the past 25 years, our lawyers have represented hundreds of individuals and businesses whose property has been taken for public improvements. Our eminent domain experience, combined with the diverse land use and real estate practices within our firm allow us to provide creative solutions to the complex issues that arise when land is condemned. We also provide property rights representation for situations where a property is taken outside the protections of eminent domain.



WHY HIRE AN ATTORNEY?

Going it alone is risky. Here's why:

If you're facing eminent domain, you should strongly consider getting representation — even if the offer you were given doesn't seem so bad on the surface.

Here are the top four reasons we suggest you don't go it alone — at least not until an experienced attorney has reviewed your case.

Even if you don't ultimately hire an attorney, it's almost always smart to at least let one review your situation and give you their expert opinion. Many, like our firm, will do this sort of initial consultation for free.



1 Experienced Attorneys See What You Can't

Let's say you get what appears to be a decent offer — or negotiate a little and then get a better offer. You feel good until you learn that neighbors with similar properties are getting triple the amount you are.

Or two years after you've settled, you find out that the utility easement you agreed to gives the government the right to ruin your parking lot.

The fact is that the government does not have to point out many things that could be harmful to a property owner.

An experienced eminent domain attorney can see right through these things. They recognize when an offer is unfair or incomplete, and they also recognize what they might be able to use as leverage to get you a better result.

2 Attorneys Can Strategize Accordingly

Experienced eminent domain attorneys see the endgame upfront and start building a strategy from day one – planning for the argument they’ll make, the evidence they’ll need to support their stance, and the experts they may need to prove their conclusions.

3 Attorneys Can Build Evidence

Building evidence in an eminent domain case can mean hiring independent experts to support your argument. Which experts your attorney chooses will depend on the facts of your case.

For example, if you’re trying to make the argument that your property’s highest value would be from a commercial use, your attorney will likely hire and oversee land planners, engineers, and appraisers to support this.

Ideally, not only should your attorney know “you need a land planner,” but they should have extensive knowledge of the experts available throughout the state, and know their strengths and weaknesses, so they’ll know the one who’s right for your case.

INSIDE INFO

After the condemnation offer, you will have a limited amount of time to negotiate and you have to file an official answer to the court. This may be the last time a lawyer can help you. The deadline to answer can be as little as 20 days and if you miss it, you may be unable to seek additional compensation.



4 Attorneys Reach Higher Levels of Authority

When you’re on your own, you will likely be assigned to a right of way agent who has limited negotiating authority. Even if this agent knows what the government offered you is 100% wrong, sometimes there’s nothing they can do to change it.

On the other hand, if you have an experienced eminent domain attorney, your case can more easily be pushed to those with the authority to grant larger settlements.

Even if you’re the best negotiator in the world, and build a strong case, you may never be heard by the right decision makers on your own.

CHOOSING AN ATTORNEY

Three options that can make all the difference.

Option 1: A General Practice Attorney

Maybe he's the attorney who did your parents' estate planning, or helped you with a speeding ticket, so you might think of him for your eminent domain issue.

But eminent domain is a rare, extremely complex field. In fact, many general practice attorneys ultimately end up referring these cases out to attorneys like us, who are more familiar with the process.

Option 2: A General Litigation Attorney

(Or An Eminent Domain Attorney Without Extensive Experience)

This category includes lawyers who are familiar with litigation in general. They may be comfortable in a courtroom, and may even have handled a few eminent domain cases, but without the benefit of having worked on eminent domain cases for the Government.

Eminent domain cases are uncommon and often highly complex. Less experienced attorneys may overlook something that affects the amount of money you receive.

Option 3: An Eminent Domain Firm With Extensive Experience

Only a handful of attorneys in Florida practice eminent domain law, and even fewer represent landowners. Fewer still are those like us who have extensive experience representing both landowners and condemning authorities. We've represented thousands of landowners but also know how condemnations work from the inside and can bring that knowledge and perspective to bear on your behalf.

Our attorneys are very experienced in the valuation of real estate and will use that experience in preparing your case. And if you have to go to court, we know what strategies you might be up against and can let you know what to expect.

This level of familiarity is potentially invaluable when trying to get you the most for your property.



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