

# Eminent Domain

## Overview

Acquiring property through the exercise of eminent domain can be a controversial and highly politicized process. Legal requirements must be met, procedures must be followed, environmental issues often arise, and property owners must be treated fairly and receive just compensation. Assuring that all these requirements are met requires skilled and knowledgeable counsel.

Best Best & Krieger LLP's Eminent Domain practice group provides comprehensive guidance on all aspects of eminent domain and inverse condemnation, and litigating disputes when they arise. We have decades of experience representing all types of public agencies, including cities, counties, transportation agencies, school districts, water districts and other special districts in property acquisitions for public projects and infrastructure development. We also act for property owners and businesses in connection with public agency acquisitions of their property.

## Shaping California's Eminent Domain Law

Our eminent domain lawyers have handled thousands of acquisitions throughout California for every type of public project, including schools, highways, rail transit, blight removal, public housing, flood control facilities, private utility systems, water lines and reservoirs, parks, dams, endangered species habitats, power transmission, airports and courthouses. We are experienced in resolving all of the issues that can arise throughout the complex eminent domain process — from “right-to-take” challenges to high-stakes valuation and just-compensation disputes to inverse condemnation/regulatory taking claims. Our skilled litigators have represented clients in all forums, from public hearings to the courtroom, in trials and on appeal. We have secured numerous published court decisions and legislative changes that have helped shape eminent domain law in California.

## Proactive Guidance and Comprehensive Representation

BB&K takes a proactive approach, advising clients from the pre-project planning stage through project completion, identifying and resolving issues and potential risks quickly, creatively and effectively. Working collaboratively with lawyers throughout the firm, we are able to leverage the knowledge and

## Key Contacts



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## Connected Industries

[Business](#)

[Education](#)

[Municipal](#)

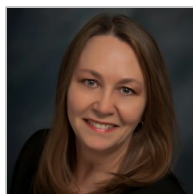
experience needed to successfully and cost-efficiently address all real estate, land use, environmental and other challenges that our clients face.

The Eminent Domain team advises and assists with:

- Project planning and implementation
- Site selection and property acquisition, including pre-condemnation rights of entry for testing and surveying
- Property appraisals
- Statutory and regulatory requirements
- Environmental compliance and land use issues
- Review and preparation of purchase offers, developer agreements, licenses, leases, easements and deeds
- Documentation for voluntary acquisitions
- Preparing and obtaining Resolutions of Necessity
- Prejudgment possession and eminent domain litigation
- Relocation assistance

We regularly work with outside experts, such as appraisers, community relations consultants, relocation agents, title/escrow officers, geotechnical experts, and environmental consultants and engineers to assure a smooth process and the best possible outcome for our clients.

## People



### Peggy L. Barnes

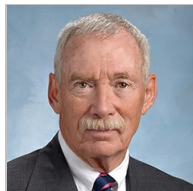
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**Areas of Focus:** Eminent Domain | Municipal Law | Public Agency Litigation



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[Special Districts](#)

## Related Practices

[Business Litigation](#)

[Economic Development, Real Estate & Affordable Housing](#)

[Ports](#)

[Public Agency Litigation](#)

[Public Contracts & Construction](#)

[Public-Private Partnerships](#)

[Real Estate](#)

[Transportation](#)

## Our Perspective

[Transportation](#)



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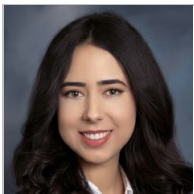
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Municipal Law | Public Agency Litigation | Special Districts



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Environmental Law & Natural Resources | Environmental Litigation



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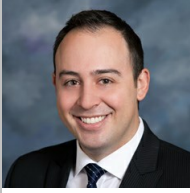
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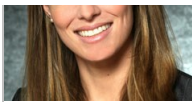
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## News & Events

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AUTHORED ARTICLES & PUBLICATIONS | OCT 23, 2019

### Takings Decision by SCOTUS Expected to Create More Litigation for Public Agencies

Partner Gene Tanaka Analyzes *Knick v. Scott* in Law360

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LEGAL ALERTS | JUN 25, 2019

### Inverse Condemnation Cases May be Filed in Federal Court

Impact on Public Agencies from SCOTUS *Knick v. Township of Scott, Pennsylvania* Decision

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PRESS RELEASES | JUN 12, 2019

### IRWA Inland Empire Chapter Names BB&K Employer of the Year

Recognized for Chapter 57 Participation and Support

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AUTHORED ARTICLES & PUBLICATIONS | MAY 22, 2019

### Expert Witnesses: Effective Questioning

Litigator Scott Ditfurth Shares Best Practices in Riverside Lawyer

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AUTHORED ARTICLES & PUBLICATIONS | MAY 22, 2019

### Rooms with a View: Cross-Examining Experts in Depositions

BB&K Partner Mark Easter Walks Us Through the House of Depositions in Riverside Lawyer Magazine

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PRESS RELEASES | MAY 13, 2019

### BB&K One of 200 Largest Law Firms in the U.S.

Law360 Annual Ranking Reflects Firm's Continued Recent Growth

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PRESS RELEASES | APR 10, 2019

## **Five BB&K Partners Named to 2019 San Diego Super Lawyers List**

All Are Returning to the Annual List

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PRESS RELEASES | MAR 18, 2019

## **Six BB&K Attorneys Named Top Lawyers in San Diego**

Annual List Based on Martindale-Hubbell Ratings

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BB&K IN THE NEWS | FEB 27, 2019

## **American Lawyer Discusses BB&K Growth Last Year**

Firm Expands to Meet Client Demand

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PRESS RELEASES | JAN 04, 2019

## **BB&K Named IRWA Sacramento Employer of the Year**

Recognized for Support of Organization

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PRESS RELEASES | DEC 19, 2018

## **Cities' Struggles to Meet Obligations Are Real — BB&K Municipal Law Team Grows to Help**

New and Expanded Services and More Attorneys and Staff Added in 2018

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PRESS RELEASES | JUN 18, 2018

## **Partner Mark Easter Named IRWA Professional of the Year**

Honored by Inland Empire Chapter of the International Right of Way Association

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EVENT | APR 18, 2018

## **2018 Federal Civil Practice Seminar**

Federal Bar Association Inland Empire Chapter

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PRESS RELEASES | APR 13, 2018

## **San Diego Super Lawyers 2018**

Five BB&K Attorneys Recognized on Annual List

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## **Pre-Condemnation Depositions of Appraisers**

Partner Christopher Pisano Shares Right to Take Trial Strategy in IRWA  
Sacramento Newsletter

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EVENT | JAN 19, 2018

## **Planning, Zoning, and Development Law – A Heapin’ Helping of Housing, and So Much More**

Land Use Law and Planning Conference 2018 Program

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EVENT | JAN 18, 2018

## **The Paralegal – A Key Member of the Eminent Domain Team**

CLE International’s Eminent Domain Conference

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PRESS RELEASES | JAN 02, 2018

## **Five Attorneys Named to Partnership**

BB&K Announces Promotions

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LEGAL ALERTS | DEC 21, 2017

## **New California Coastal Laws for 2018**

Development, Accommodations, Sea Rise and Public Access

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EVENT | NOV 09, 2017

## **Inverse Condemnation -- or Is It?**

Appraisal Institute's 50th Annual Litigation Seminar

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VIDEOS | JUN 28, 2017

## **Gregory Snarr Video Bio**

Associate

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LEGAL ALERTS | JUN 14, 2017

## **New Filing Deadline for JPAs Approaches**

JPAs Providing Municipal Services Must File with LAFCOs by July 1

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VIDEOS | JUN 08, 2017

## **Scott Ditfurth Video Bio**

Partner

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EVENT | APR 25, 2017

## **25th Annual Valuation Seminar**

IRWA Los Angeles Chapter 1

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PRESS RELEASES | APR 25, 2017

## **Business Litigator Christopher Deal Joins BB&K's Irvine Office**

New Partner Brings In-House Experience

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EVENT | APR 04, 2017

## **Anatomy of an Appraiser's Deposition**

3rd Annual IRWA Chapter 57 and SCCAI Joint Luncheon and Program

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CLIENT SUCCESSES | MAR 29, 2017

## **State Route 91 Express Lanes**

BB&K Helped RCTC Pave the Way

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PRESS RELEASES | MAR 23, 2017

## **BB&K Breaks on to Los Angeles Business Journal's Top Law Firms List**

Firm's Los Angeles Office Makes Debut at No. 173

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EVENT | FEB 09, 2017

## **Eminent Domain Conference**

CLE International

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PRESS RELEASES | JAN 20, 2017

## **San Diego Super Lawyers and Rising Stars 2017**

Congratulations to the BB&K Attorneys Recognized for their Work

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BB&K EVENT | JAN 19, 2017

## **From Code Compliance to Fighting Fire-Traps: How to Deal with Dangerous Dwellings in Your City**

Free Three-Part Webinar Series: Jan. 19., Jan. 26 and Feb. 2

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LEGAL ALERTS | JAN 18, 2017

## **The Trump Infrastructure Plan**

How BB&K Can Help Your Agency Position and Respond

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VIDEOS | NOV 30, 2016

## **Elizabeth Hull Video Bio**

Partner

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VIDEOS | NOV 30, 2016

## **John Holloway Video Bio**

Partner

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VIDEOS | NOV 18, 2016

## **John Brown Video Bio**

Partner

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VIDEOS | NOV 18, 2016

## **Lauren Strickroth Video Bio**

Partner

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VIDEOS | NOV 18, 2016

## **Richard T. Egger Video Bio**

Partner

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AUTHORED ARTICLES & PUBLICATIONS | OCT 10, 2016

## **Best in Law: Want to Cut Legal Costs? Avoid Litigation**

BB&K Partner Lauren Strickroth Provides Litigation Cost-Saving Tips in the Press-Enterprise

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EVENT | SEP 13, 2016

## **Case Study on Water Quality Driven Projects in Orange County**

IRWA Orange County Chapter 67

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CLIENT SUCCESSES | JUL 26, 2016

## **California Supreme Court Sides with Public Agencies on Precondemnation Access Issue**

BB&K Partner Kendall MacVey Filed Amicus Curiae Brief

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LEGAL ALERTS | JUL 21, 2016

## **California Supreme Court Reverses Ruling on Right-of-Entry Statutes**

Reversal Allows Public Agencies to Access Properties for Necessary Inspections and Testing Prior to Eminent Domain Actions

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PRESS RELEASES | JUL 06, 2016

## **Three BB&K Attorneys Listed as Top Lawyers in Coachella Valley**

Palm Springs Life Magazine's Annual List Includes Partners Robert Hargreaves, Douglas Phillips and G. Henry Welles

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EVENT | MAR 10, 2016

## **Hot Topics in Public Infrastructure & Right of Way**

Public Works Officers Institute & Expo

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PRESS RELEASES | FEB 29, 2016

## **Partner Kendall H. MacVey and BB&K Honored by Federal Bar Association, Inland Empire Chapter**

A Founding Member and Past President, MacVey Hailed for Dedication and Leadership

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EVENT | FEB 26, 2016

## **Multi-Parcel Acquisition Programs and Prejudgment Possession**

CLE International's Southern California Eminent Domain Conference

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PRESS RELEASES | JAN 26, 2016

## **Seven BB&K Attorneys Recognized by 2016 San Diego Super Lawyers Magazine**

Five Partners on Super Lawyers List, Two Additional Attorneys on the Super Lawyers Rising Stars List

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EVENT | OCT 16, 2015

## 2015 Education Seminar - Water Supply & Impacts

International Right of Way Association

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CLIENT SUCCESSES | MAY 26, 2015

### **BB&K Files Successful Amicus Brief in Eminent Domain Case**

Partner Kendall H. MacVey argued that the Mello-Roos Act can be used to finance acquisitions by eminent domain

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PRESS RELEASES | MAR 04, 2015

### **Six BB&K Attorneys Named Top Lawyers in San Diego**

San Diego Magazine Picks Attorneys from a Variety of Practices for its List

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PRESS RELEASES | JAN 22, 2015

### **Six BB&K Attorneys in San Diego Included on the 2015 List of San Diego Super Lawyers or Super Lawyer**

Congratulations to These Attorneys

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EVENT | JAN 15, 2015

### **Roadway and Transit Rights of Way: Understanding the Legal and Practical Issues**

Lorman Education Services

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LEGAL ALERTS | JUL 07, 2014

### **Ruling That Curtails Public Agencies' Abilities to Get Order Protecting Project Planning Inspections is Decertified**

Supreme Court Decides to Review Lower Court Case

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