

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 been representing public entities on complex eminent domain and inverse condemnation matters for more than 25 years. She is both a transaction attorney and a litigator with an outstanding record of success before juries and judges. She is recognized in the 2020 edition of *The Best Lawyers in America* in Eminent Domain and Inverse Condemnation and is listed as a Northern California Super Lawyer in Eminent Domain in the 2020 edition of *Super Lawyers Magazine*. In recognition of her legal expertise, consistently excellent results and leadership in the eminent domain community, since 2007 Brenda has served as Co-Chair of the annual Northern California Eminent Domain Conference sponsored by CLE International.

Our Eminent Domain Team is well known and highly regarded for representing hundreds of public entities throughout California on complex and high profile eminent domain matters. We know all aspects of the eminent domain process, both substantively and procedurally, and have represented public entities in acquiring virtually all types of properties, involving both full takes and partial takes.

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.

A public entity has a legal obligation to pay the "fair market value" of property, but a public entity should not have to expend taxpayer dollars paying more than fair market value. We work with our public entity clients to negotiate resolution of cases efficiently and economically, and to use eminent domain only as a last resort. We understand our clients' concern for potential negative public sentiment regarding certain eminent domain matters.

When cases cannot be resolved through settlement efforts, we have an outstanding record of success using the court process to achieve our clients' objectives. This includes obtaining pre-condemnation rights of entry, obtaining pre-judgment orders for possession, resolving "right to take" objections by way of bench trials, and resolving valuation issues through jury trials.

While the issue of "just compensation" is to be tried by a jury, other issues are to be tried by the Judge. We have extensive experience with both bench trial and jury trials, our appellate cases have established legal precedents for public entities, and we have provided expert testimony on the applicable standard of care governing eminent domain attorneys who serve public entities.

BIG PICTURE PARTNERS TO HELP MOVE PROJECTS FORWARD

We are eminent domain experts. We know eminent domain is a highly specialized area of law and we know its complex and broad substantive and procedural rules. We also know its complicated methodologies for valuing real property interests and business interests. And we know how to leverage our decades of expertise to prevent high acquisition costs and keep the eminent domain phase moving forward so project implementation stays on track under strict timelines.

ACQUISITIONS FOR ALL TYPES OF PUBLIC PROJECTS

We have worked with cities, counties, public utilities, school districts, transportation agencies, development agencies, water districts and other special districts throughout California to acquire property for all types of projects, including:

- Airports
- Blight removal
- City Halls and other public buildings
- Commercial centers
- Commuter rail transit
- Courthouses
- Endangered species habitats
- Flood control facilities
- Highways, freeways and streets
- Landfills
- Mixed-Use Developments
- Parks and recreation areas
- Power transmission
- Public housing
- Schools and community colleges
- Water lines, dams and reservoirs
- Water treatment plants

*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

OUR THOROUGH APPROACH

Our eminent domain attorneys get involved at the initiation of a project to align project goals with eminent domain strategy, identify and resolve potential risks, and ensure compliance with state and federal regulations and laws.

From start to finish, we attend project meetings, obtain rights of entry, draft and/or review acquisition documents, review appraisals for legal compliance, negotiate with property owners, assist in drafting staff reports, resolutions of necessity and notices to property owners, prepare complaints and all documents required to file condemnation actions, obtain orders for prejudgment possession, and handle litigation through the filing and recording of Final Orders of Condemnation.

**INFRASTRUCTURE PROJECTS WITH
MULTIPLE PROPERTY ACQUISITIONS**

Meyers Nave has a special expertise on large-scale public infrastructure projects that involve multiple property acquisitions through eminent domain proceedings.

Our seasoned team of highly qualified attorneys have well-proven experience handling the numerous issues raised by multiple property acquisitions, including:

- Making sure that complaints and motions for order for possession for numerous parcels are properly timed, planned and coordinated
- Carefully planning and coordinating whether the filing and prosecuting of numerous eminent domain actions should be done simultaneously, or whether certain cases should be phased in the court process over time
- Ensuring that the wide range of legal and valuation issues which can arise are handled in a consistent manner (so opposing counsel cannot use inconsistent legal and/or valuation positions against the public entity in court)

REPRESENTATIVE PROJECTS

Examples of notable public projects for which we have acted as lead eminent domain counsel include representing:

- Los Angeles County Metropolitan Transportation Authority on its Westside Purple Line Subway Extension Project to acquire numerous subsurface easement interests from Downtown Los Angeles and through the City of Beverly Hills
- University of California Los Angeles to acquire a large multi-tenanted medical office property and other retail properties to expand the Santa Monica/UCLA hospital
- Orange County Flood Control District on its multi-property acquisition process for the Prado Dam Flood Control Project
- City of San Diego to acquire numerous properties for a 5-mile freeway extension project
- Santa Clara Valley Transportation Authority and the Bay Area Rapid Transit District (BART) to acquire numerous properties for a commuter rail extension from the City of Fremont into the City of San Jose
- City of Sacramento to acquire a large retail property within a tight time frame for a new \$477 million downtown NBA arena for the Sacramento Kings NBA team
- Alameda County Zone 7 Water District to acquire portions of numerous properties for an 11-mile water pipeline project in and around the City of Livermore
- Council of San Benito County Governments to acquire 44 properties for a highway bypass project — two properties were acquired in their entirety as full fee takes, one business was relocated, one household was relocated, one rental tenant was relocated, remaining properties acquired as partial fee takes, in addition to acquisition of public utility easements and temporary construction easements. Sixteen cases were filed.