



A California Landowner's Survival Guide to Eminent Domain

**10 Things You Must Know When
the Government Wants Your Property**

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What is Eminent Domain?
What are my rights if the Government
seeks to condemn my property
in California?



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Where in the course of human events, it becomes necessary to dissolve the political bands which have connected us with a former government, that among the principles and maxims of the Laws of Nature, we should declare the causes which impel them to the separation. Liberty and the pursuit of Happiness — That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as shall seem to them most likely to promote their Safety and Happiness. In extending the Limits of our Territory, we have not forgot the Rights of the Indian People, and have endeavored to acquire the same by Peaceable Means, and upon equal Terms. We have not forgot the Rights of the African People, and have endeavored to acquire the same by Peaceable Means, and upon equal Terms. We have not forgot the Rights of the Native American People, and have endeavored to acquire the same by Peaceable Means, and upon equal Terms.

Do We See
insure domestic
and our People
tranquillity, provide for
the common and establish
the Union.
Article I
to be secure
by oath or affirmation
for a capital, or otherwise
time of War or public
himself, nor

What is Eminent Domain?

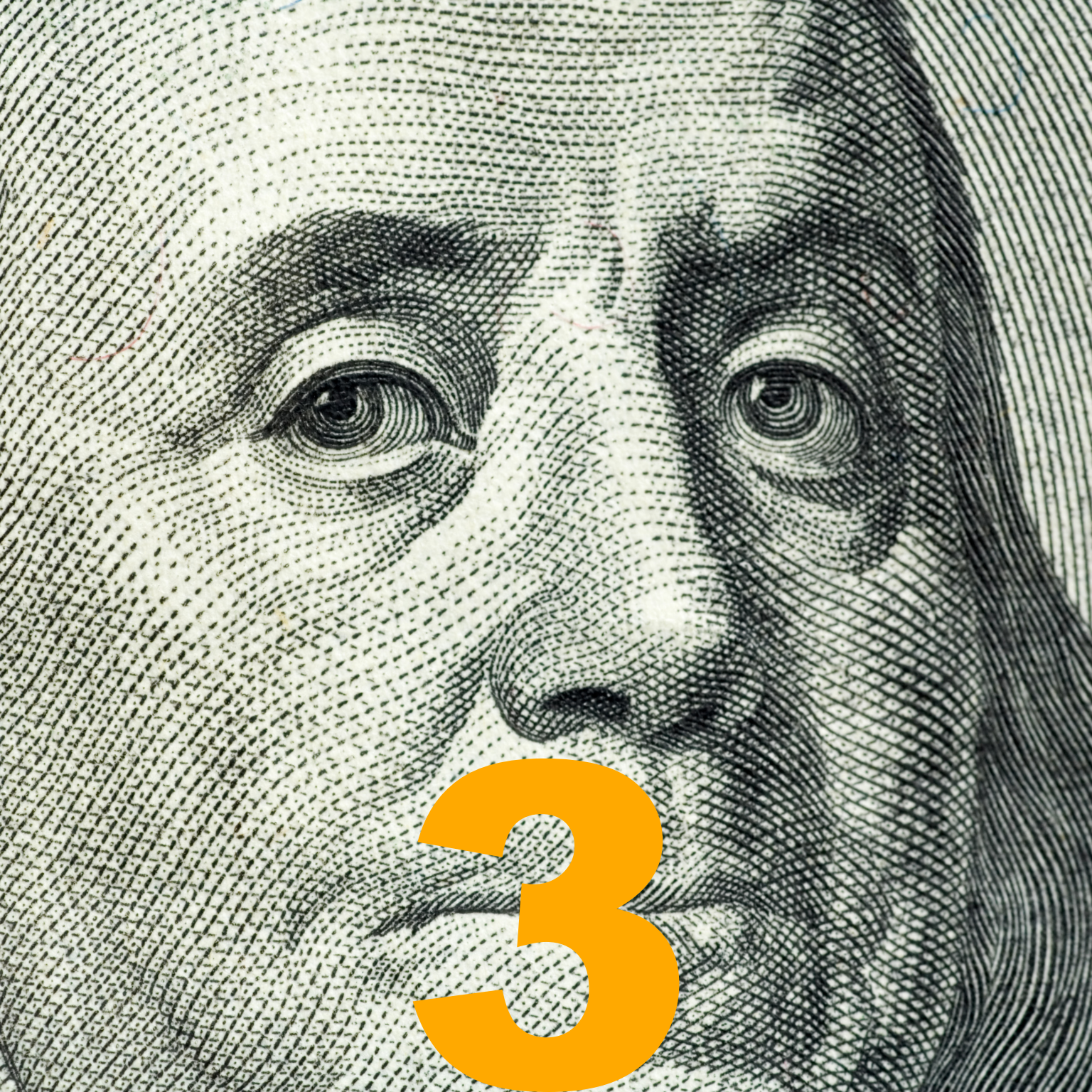
- Eminent Domain is the power of the government to take or “condemn” property for public use, without the owner’s consent.
- The government must compensate the owner for the property it takes.
- The “government” includes cities, counties, states; as well as agencies such as Caltrans, local transit agencies, water districts and utility companies.

**STRICTLY
PRIVATE
NO ACCESS**

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Will I be able to stop the government from taking my property?

- You are entitled to challenge the government's taking of your property, but absent unusual circumstances, it is very rare to be able to stop the government from taking your property under eminent domain laws.
- You may be able to slow or delay the taking of the property if the government fails to follow proper procedures.
- This process can be complicated and challenging to navigate. Consulting with an eminent domain attorney can help guide you, and, if necessary, the attorney can assist you in challenging the government's right to take your property and fight to get you the best possible result.



What compensation am I entitled to?

- The government must pay “just compensation,” which is the Fair Market Value of your property.
- Fair Market Value means the highest price a buyer would pay on the open market.
- It is important to remember that you do not have to accept the government’s initial offer of compensation. You may make a counter-offer, or assert a higher value for your property.



How does the eminent domain process work in California?

- The government may send appraisers or other agents to talk to you about your property – remember that these appraisers work for the government, not you.
- You may receive an offer to purchase your property or notices of upcoming hearings – do not ignore them! Experienced attorneys can refer you to licensed appraisers and others who can provide important expertise to strengthen your claims.
- Developing a proactive strategy is key – eminent domain discussions can linger for years, but once the process begins, it may be too late.



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What if I received a *Notice of Hearing of Resolution of Necessity*?

- Do not ignore this notice. If you did not reach an agreement with the government following its written offer, you will receive a notice of a public hearing. This is when the government will make the formal decision to acquire property by eminent domain.
- If you want to fight the government's condemnation action, it is critical to raise any objections at this hearing.
- You have only 15 days after the notice is mailed to file a written request to appear and be heard at the hearing.



Do I have the right to be compensated for lost rental income?

- The government may begin relocating tenants even before it acquires a property from an owner.
- The government is responsible to pay you for all the rental income you would have received had the government not relocated your tenants.
- Negotiating a “lost rents agreement” will help ensure that you are compensated for your lost rental income.



What if the government wants only *part* of my property?

- Often the government needs only a portion of your property – such as a piece of sidewalk needed for a street-widening – but your remaining property (or business) may lose value because it is on a smaller parcel or is less accessible.
- You may be entitled to compensation not only for the value of the portion the government takes, but also for damages to your remaining property, known as “severance damages.”

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Am I entitled to anything more for my business?

- You may be able to recover for lost “business goodwill” and other business losses caused by the government’s project.
- You may be entitled to compensation if your business loses any of the benefits of its location as a result of the taking, even if your business does not have to actually move.
- You may be entitled to recover relocation expenses if you are forced to relocate your business.



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Can I negotiate with the government on my own without a lawyer?

- Property owners are entitled to protect their own interests, but in many cases, owners will obtain a better recovery if represented by knowledgeable attorneys.
- Keep in mind that the government has its own team of lawyers and other experts to help protect its interests.
- You may be able to maximize the compensation you will receive by having your own team working for you.



Where should I go for assistance?

Nossaman's Eminent Domain attorneys have an unrivaled track record of success in representing landowners and have recovered hundreds of millions of dollars in compensation on their behalf. Our team is one of the largest single eminent domain groups in the State – regularly achieving top-notch results in eminent domain proceedings, starting even before the government files the action.

Nossaman will not only work for you but may be able to arrange for your case to be handled on a contingency fee basis, which means you do not pay attorneys' fees unless you get more than the government offers.

For a free consultation to discuss your rights as a California landowner with one of our experienced eminent domain attorneys, contact us at **844.806.2800** or eminentdomain@nossaman.com.

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