



As the Texas population grows, so does the need to transport oil and gas, sewage, electricity, water, people and goods across the state. To satisfy the demands of this growth, public and private entities are aggressively acquiring private lands for “public use” through condemnation or eminent domain. If your land is threatened with a taking, there are many options for influencing the condemnation process to ensure that your wants and needs are considered.

**Braun & Gresham, PLLC provides expertise and guidance essential to the condemnation process**

The condemnation process is complex and can be very overwhelming for many landowners. That’s why it’s important that you involve knowledgeable professionals that can help guide you through the process. Our condemnation practice is built on following principles:

- **Helping our clients plan a route to do the least damage to their property;**
- **Negotiating documents to limit the uses of condemned land, prevent future intrusions and stop companies from taking advantage of landowners;**



- **Relieving the stress of navigating and negotiating this process on your own;**
- **Choosing a qualified and affordable appraiser;**
- **Balancing the decision of whether to accept the award and/or any appeal;**
- **Getting a fair compensation for clients.**

**The Braun & Gresham Difference**

As a firm that advocates exclusively for landowner rights, Braun & Gresham gives you a powerful voice in a complex process. Unlike many other condemnation firms that only advocate for more money, we advocate to protect your land, your privacy and to ensure just compensation for damages.

## The Condemnation Process

Condemnation comes in many forms - roads, transmission lines, oil & gas pipelines, rail systems, groundwater, sewer lines, etc.- but the process of condemning land is generally the same. It consists of 3 phases, all of which you may not necessarily have to go through:

### PHASE 1: THE LETTER

Typically, most landowners are first informed of an agency's intention to seize their land in the form of a letter as part of its "bona fide offer" (in dollars) to acquire the landowner's property voluntarily before wielding powers of eminent domain. The initial offer letter may give a 30-day arbitrary deadline, but the law entitles landowners to receive a written appraisal and a final offer letter from the condemning authority before it files a lawsuit. So at this point, the landowner has plenty of time to review the documents and consult with an attorney before making a decision about accepting an offer.

### PHASE 2: NEGOTIATING YOUR TERMS AND COMPENSATION

At this stage in the process, both the terms of an easement, allowing access on the landowner's property for the project, and the "bona fide offer" by the condemning authority are negotiable. In some cases, the process ends here with a successfully negotiated easement or

purchase and favorable compensation. But in other cases, if the condemning authority has already sent the landowner a final offer letter and a written appraisal, and negotiations have failed, the condemning agency will file suit against the owner of the property. A Special Commissioner's court date may then be scheduled.



### PHASE 3: SPECIAL COMMISSIONER'S COURT

The role of the Special Commissioner's Court is to "assess damages" for the property being condemned according to the evidence presented at the hearing by the condemnor and the landowner, and to award a dollar amount to the landowner for damages. During this time, we have often continued negotiations on behalf of our clients and settled cases the day before the evidentiary hearing. We have experience in preparing and presenting our clients' cases to the Special Commissioners with favorable results.

## Top 3 Frequently Asked Questions about Condemnation/ Eminent Domain

The condemning company is pressuring me to sign their compensation package or I'll be sued! What should I do?

Do not feel pressured to accept an unfair offer. You have many rights to consider. If you haven't talked to an attorney about the offer and documents, you should. The clock may be running if the legal requirements for a "bona fide offer" have been met. By law you have 45 days to accept the "final offer" before a condemnation suit can be filed. But you still have time to assert your rights.

At what point should I hire my own appraiser? Not every landowner will need to hire an appraiser. When to go to the expense of hiring an appraiser is tricky and timing can be critical. We have compiled a list of experienced appraisers who have successfully helped our clients obtain greater compensation. As with any professional, the level of appraiser's expertise varies depending on the condemning authority and the highest and best use of the land to be acquired.

What happens if I refuse the "final offer"? Can I still continue to negotiate?

If negotiations have failed, then the condemning authority will file a condemnation lawsuit against the landowner. The Special Commissioners will schedule an eminent domain hearing to assess damages. During this time, we have often continued negotiations and settled cases. But if we must proceed to the hearing, don't be worried or overly anxious. We have experience in preparing and presenting our clients' cases to the Special Commissioners with favorable results.

Every Braun & Gresham client has his or her own story. For a personal conversation about how we can best serve you in this complex process, contact Patrick L. Reznik today at (512) 894-5426.