

BRAUN & GRESHAM

ATTORNEYS AT LAW

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Facing Condemnation with Experience and Tough Negotiating

REZNIK PROVIDES REASSURANCE, HONED SKILLS, AND A NETWORK OF RELATIONSHIPS TO PROTECT LANDOWNERS.

No one ever wants to receive mail with the words *condemnation* or *lawsuit*. Yet a growing number of Texas landowners are getting letters from utility companies featuring those threatening words. Such letters tend to send landowners into a panic – and who can blame them?

“It’s an intimidating thing to get letters from a company saying ‘We are going to take some of your land or an easement on your land, and you should take us up on our deal or we are going to sue you,’” says Patrick Reznik, an attorney with Braun & Gresham. “They’re trying to intimidate you. When it’s your land, and they are threatening to take some of it, or put an easement on it by force, you are upset, and sometimes you can get scared into signing something you shouldn’t.”

Condemnation is a state-approved process by which private or public utility companies can seize people’s land in order to build power lines, pipelines, rail systems or roads, or even to take surface or groundwater, as long as it’s for “public use.” Sometimes the

company seeks to take a piece of the property, and sometimes they just want an easement or right-of-way, so the landowner still owns the land, but with restricted use.

Braun & Gresham employs honed negotiation skills to protect investment

When Jason and Jennifer Matthews bought a beautiful two-acre lot in a subdivision in far north Texas, they didn’t know what condemnation was. Then one day, a letter came from ONCOR Electric Delivery Company, LLC.



“They said they intended to put power lines right through the middle of our property,” Jason remembers. “We wouldn’t be able to resell it in the future, we’d be stuck with land that had no purpose or value to us, and we didn’t have any say in it at all.”

Jason called around to some attorneys, but “Patrick and [his paralegal] Machel [Knight] were extremely helpful from our first conversation,” recalls Jason.

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“They thought they could help us out, and they did exactly that.”

During a condemnation case, two things are up for negotiation: the terms of the easement itself, and how much the company will compensate the landowner for the use of the easement. According to Reznik, insultingly low compensation offers, blanket easement proposals (which give the utility access to the whole property, rather than just the easement) and fear-mongering tactics are all typical company behaviors – techniques that can leave landowners feeling like they have no rights. But, he affirms, his job is to make sure you know your rights and how to best exercise them.

“At Braun & Gresham, our first goal is to relieve the stress of negotiating the easement and compensation for you,” Reznik notes. “We negotiate the best possible route for your land and documents to limit use of the land and protect against further intrusion. We will help you navigate the many key decisions that must be made during the process, get you the best compensation possible for your easement, and keep you well-informed and updated throughout the process.”

“Patrick and Machel were terrific about letting us know what ONCOR was going to do, what our options were and what the process was going to look like,” confirms Jason. “They’re totally trustworthy; I definitely felt they were negotiating in my best interests, and they went way beyond what I expected. What they got us, I couldn’t have done on my own, no way.”

Legal expertise is key to getting what you want in the condemnation process

When Dick Allred was faced with condemnation, he thought maybe he could deal with the situation on his own.

“I’ve got over 1,200 acres of family ranchland northeast of Wichita Falls,” Dick begins. “Because it was willed to me, I’ve always felt I was entrusted with it, I’m the steward of it.”

“So I was preparing myself and felt confident to handle it,” he continues. “But [ONCOR] kept changing the route across my

land – there’s a creek that comes through, and it’s an extremely sensitive area, because if you remove vegetation from it, then it really begins to erode badly – and they seemed determined to go smack-dab down the middle of the creek. It also got to a point where I just couldn’t get anybody to return my calls or bother with me at all. So I decided I needed someone with a little more savvy on my side.” Dick began attending condemnation hearings to see them in action.

“Some of the attorneys I’ve dealt with in the past seem to use such an adversarial approach and had a sort of holier-than-thou attitude,” Dick says. “I was concerned that if I went into a hearing with someone like that representing me, it would do more harm than good. Patrick [Reznik] was firm, but easy-going – he was able to handle tough aspects without appearing to be adversarial with ONCOR. Patrick just has a way about him – he can deal with complex negotiations without ruffling any feathers. And he brought some background to the table I didn’t have access to, as far as what easements and price the company had offered on other projects – that’s information you can’t get anywhere else.”

“This process has some complexities and strategy to it, so that you’ve got to know where the no-return point is, and every company is different,” agrees Reznik. “But I’ve worked on lots of transmission line cases now, involving over 10 different utility companies so I know the players and the process intimately. If you want to maximize your overall benefits, then having expertise – knowing the company history, structure, business model, and the strategic point at which to settle or not settle, as well as the risk involved – does make a difference.”

Reznik got the power line route moved to a less sensitive area of Dick’s ranch, and reduced the number of times the lines will cross the creek from five to only once. Additionally, he secured compensation for Dick that was more than quadruple ONCOR’s initial offer.

“I never dreamed this would be the outcome,” Dick effuses. “Patrick is not only an attorney I’d use again, but also a friend. And all in all, he’s a whole lot cheaper than other attorneys I’ve used. As far as I’m concerned, it was a huge bargain.”