

A background image showing a construction site with a large concrete structure and a tire tread in the foreground.

Eminent Domain & Condemnation

Our extensive knowledge, experience, and resources can help ensure that your rights as a landowner are protected and that you are fully compensated for your property loss.

Eminent domain (or condemnation) is the inherent power of the government to seize private property for “public use,” such as to widen a roadway, build a school or airport, create a park, or install powerlines or a gas pipeline. However, the government may only take the amount of land necessary for the proposed use, and, in Florida, the landowner must receive full compensation.

It is especially important for property owners to know that under Florida law, the condemning authority must not only compensate the owner for the property taken, but is also responsible for the landowner’s legal fees as well as fees of the consultants who help evaluate and defend the taking.

Our team of experienced eminent domain attorneys can guide you through the complicated condemnation process and ensure your interests are protected every step of the way. With our collaborative approach, our multidisciplinary team draws on resources and skills from across the firm, enabling us to handle any aspect of eminent domain disputes, from pre-suit negotiations through trial.

If you are involved in an eminent domain or condemnation case in Florida, contact the eminent domain attorneys at Lowndes to learn more about your legal rights and options.

Representative Clients

We have represented virtually all types of property owners affected by condemnation actions by governmental agencies, as well as takings by utility and pipeline companies. While the cases are too numerous to list, we have represented hundreds of business and property owners in disputes throughout Florida, such as:

- Large and small shopping center developers and operators
- National retailers (fast food chains, bookstores, tire stores, etc.)
- Real estate investment trusts (REITs)
- Office park owners

Key Contacts

S. Brendan Lynch
Brian E. Smith

Related Professionals

S. Brendan Lynch
Logan J. Opsahl
Brian E. Smith

Related Expertise

Real Estate
Real Estate Litigation

- Apartment complexes
- Condominium and townhome developments
- National and regional banks
- Large multi-use development sites
- Restaurants

- Hotels
- Convenience stores
- Furniture rental businesses
- Light and heavy industrial operations
- Veterinary clinics
- Bowling centers
- Single-family residences and subdivisions
- Mining operations
- Agricultural and grove properties

Determining Full Compensation

Once you learn of a potential eminent domain taking of your property, it's important to seek out counsel from the start. Many times, the proposed project's impact on your property can be lessened if the design is reviewed by your own consultants at an early stage. The further a project progresses toward actual construction, the less the likelihood of obtaining favorable design changes.

Our attorneys will work closely with you to develop a custom strategy that meets your unique situation and needs. Following an initial consultation and an inspection of your property, we will engage the appropriate team of expert consultants: appraisers, land planners, civil and traffic engineers, surveyors, accountants, and other professionals. These consultants are not only specialists in their area of expertise, but are also familiar with the peculiarities of Florida eminent domain law as it affects their discipline.

With the assistance of our consultants, your property is valued at its highest and best use before the eminent domain taking. The valuation can include likely future changes in land use and zoning. If only a portion of the property will be taken, the remaining property will also be valued in the "after" condition to determine the decline in value.

As the property owner, you are entitled to be fully compensated for both the land taken and the damage to the value of the remainder caused by the taking. Under certain specific circumstances, a business owner may also be entitled to recover business damages that result from the taking.

News

13 Lowndes Attorneys Named 2023 Florida Super Lawyers and Rising Stars
06.26.2023 | AWARDS & RECOGNITION

Brian Smith Appointed to Geneva School Board of Governors

02.28.2023 | PRESS RELEASE

Brian Smith Appointed Chair of the Eminent Domain Committee for The Florida Bar

07.07.2022 | NEWS RELEASE

Lowndes Promotes Three Lawyers to Shareholder

03.14.2022 | FIRM NEWS

Lowndes Welcomes Real Estate Attorney Logan Opsahl

01.25.2022 | PRESS RELEASE

Brendan Lynch Talks to WFTV about \$198-million Eminent Domain Settlement for Crossroads Shopping Center

01.28.2021

22 Lowndes Attorneys Named 2020 Florida Super Lawyers and Rising Stars

06.04.2020 | AWARDS & RECOGNITION

Publications

What Proposed Infrastructure Funding Could Mean for Central Florida Landowners

01.31.2023 | ARTICLE