



|| Condemnation & Eminent Domain

The power of "eminent domain," or "condemnation," allows governmental authorities in Michigan to take private property for public purposes, such as for the construction of roads, bridges, drains, and gas and electric utility projects, without the owner's consent. The governmental authority must pay to the owner "just compensation" for the property taken. "Governmental authorities" include state, county, and local units of government, such as cities, villages, townships, county drain commissions, and county road commissions. Other authorities possessing condemnation powers under Michigan law include bridge authorities, pipeline authorities and utility companies.

The condemnation process in Michigan is complex. Strict compliance with the statutory requirements for valuing private property and commencing a condemnation lawsuit is required. Courts considering condemnation cases must follow both the Michigan Court Rules and the various condemnation related statutes enacted by the Michigan Legislature.

Foster Swift can assist with the following:

- Selecting and retaining qualified professional appraisers, consultants and engineers, to consider the construction and design specifics of the public project, its potential effects on business operations and property rights, and to help in determining "just compensation"
- Negotiating "just compensation" before a condemnation lawsuit must be filed, saving time and money for both the governmental authority and the property owner
- Representing parties in condemnation lawsuits and appeals
- Negotiating the payment of fair expert witness and attorney fees to be awarded in condemnation cases
- Ensuring compliance with project construction and design requirements, whether during the construction phase or post-trial
- Investigating and advising parties regarding future potential public works projects and condemnation issues that may arise from them

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