

# Condemnation

HCMP's condemnation practice has deep experience representing private and public property owners, condemning authorities, and lenders in the eminent domain context. Our team includes lawyers from our real estate and litigation practices, which allows us to develop creative solutions to any condemnation problem.

- **Sound Transit Condemnation:** HCMP attorneys have successfully partnered with clients affected by Sound Transit eminent domain action and achieved successful outcomes, including negotiating favorable terms in easement and purchase documents and, where necessary, litigating over the fair-market value of property being condemned. Sound Transit may reimburse a property owner for legal fees incurred to evaluate Sound Transit's offer, so our services often come at no cost to the property owner. If you receive an offer from a government entity to purchase your property under threat of eminent domain, then it would be wise to contact an attorney. The HCMP Condemnation Team will guide you through the process and help you work to receive the maximum compensation you are legally entitled to as a property owner.
- **Valuation:** Through experience, we have developed a special understanding of valuation principles and methods. We have also developed close relationships with the Pacific Northwest's preeminent appraisers, and we use those relationships to assist our clients. In conjunction with an appropriate appraiser, we help clients evaluate agency appraisals and, where appropriate, obtain an independent appraisal to determine the best course of action.
- **Pre-Condemnation Real Estate Negotiations:** We understand that negotiations under threat of condemnation are different than negotiations in other contexts. The condemnation setting presents both challenges and opportunities. We help our clients overcome the challenges and take advantage of opportunities. We have successfully negotiated a broad range of real estate transactions in this context, including easements, sales, lease-backs, and lien releases.
- **Mediation and Settlement:** We help clients obtain cost-effective and favorable resolution through mediation and, where applicable, arbitration proceedings. We see alternative dispute resolution as an opportunity to develop creative solutions that may not otherwise be available through litigation.
- **Eminent Domain Litigation:** If litigation is required, our team has significant experience representing owners and condemning authorities in both federal and state courts. We help clients assess risks and develop cost-effective litigation strategies intended to achieve the best results for our clients.
- **Inverse and Regulatory Takings:** Sometimes, our clients suffer a taking without the initiation of formal eminent domain proceedings. Based on our substantial experience in real estate and land use, we are well-positioned to recognize when this has happened. We advise property owners on their rights, the risks, and potential solutions in situations where a government project or policy has taken their private property rights.

## Representative Experience:

- **Sound Transit v. Alaska Airlines:** Sound Transit condemned a portion of Alaska Airlines' reservations center property near SeaTac Airport for the Federal Way Link project. We took the matter to jury trial—one of the first in-person jury trials in the post-COVID era—where we obtained a favorable outcome for Alaska Airlines.
- **City of Kelso v. National Retail Properties:** The City of Kelso took a portion of the client's property, including a section of the commercial retail building on site. We engaged well-qualified appraisers for our client and negotiated a favorable settlement.
- **Sound Transit Eminent Domain Matters:** We have represented a wide range of private and public property owners and tenants in dealings with Sound Transit in each of Sound Transit's expansion projects over the last decade or so. We have helped owners understand and take advantage of the evaluation reimbursements from Sound Transit to which they are entitled, and in most instances we have negotiated favorable settlements of Sound Transit's taking. When necessary, we have taken matters to trial and obtained favorable outcomes.
- **King County Eminent Domain Matters:** We have successfully negotiated favorable terms for private property owners granting trail easements to King County. In doing so, we have helped clients engage qualified appraisers to evaluate offers and obtain reimbursements and other assistance to which they are entitled.

- **Estate of Elaine Thorson v. City of Seattle:** We represented the owner of a dilapidated home a neighbor had designated as a landmark. Using substantive due process and regulatory takings principles, we successfully convinced the City to allow a new multi-family housing development on the site notwithstanding the designation.
- **Cascade Natural Gas Pipeline Project:** We represented Cascade Natural Gas as the condemning authority in a project to install a pipeline in eastern Washington.
- **BranBar v. City of Covington:** The City of Covington took the majority of our client's development property. We engaged a well-qualified appraiser and negotiated a favorable settlement, including preserving valuable development credits associated with the subject property.