



## Land Use - Eminent Domain Litigation

When it comes to land use litigation, local governments, businesses and individuals regularly engage the attorneys who make up Williams Mullen's Land Use and Eminent Domain Litigation Team.

### Land Use Attorneys with Experience

Our land use attorneys have represented numerous clients in disputes resulting from local government zoning decisions, required proffers, and other governmental limitations or conditions on use and development of property. We have also represented both title companies and landowners in various real estate title and boundary line disputes. Additionally, we have represented landowners in administrative and judicial challenges to real estate taxes and assessments.

### Skilled Eminent Domain Attorneys

We also have eminent domain specialists who have substantial experience representing condemning authorities, landowners, tenants and owners of other real property interests in eminent domain proceedings, including the statewide representation of a national billboard company. Two of such proceedings resulted in significant opinions by the Supreme Court of Virginia defining the rights of tenants and owners of structures on condemned land.

### Representative Experience

#### Land Use

- Handled appeal of variance denial to the circuit court to allow for reduction in side yard building set back requirements.
- Defended locality in both federal and state court against a developer's \$7 million claim for alleged violations of due process rights and 42 U.S.C. § 1983. Developer sought to construct a large retail store on its property, but the locality denied the site plan on various engineering/technical grounds.
- Represented developer in state court trial against a locality which had rezoned the developer's property to prevent the developer from constructing a multi-family residential project. The developer claimed various constitutional violations, violations of 42 U.S.C. § 1983, vested rights violations, and piecemeal downzoning.
- Represented locality in state court action against a neighboring locality involving downzoning, takings, and constitutional claims.
- Represented corporation in BZA proceedings and subsequent state court action against a locality which had attempted to prevent the corporation from using its property for a permitted industrial use.

- Defended locality in multiple state court actions involving rezoning and constitutional claims of property owners arising out of annexation.
- Represented neighborhood business association in state court action against a locality involving claims for unlawful rezoning, conflicts of interest, due process violations, and violations of 42 U.S.C. § 1983.
- Represented corporation in BZA proceedings and subsequent state court action against a locality involving the non-conforming use of a billboard and related constitutional and statutory claims.
- Defended property owner in chancery suit brought by developer in attempt to establish easement by prescription and necessity over property owner's farm property.
- Defended national California-based health care corporation operator of methadone clinics in highly controversial, media intensive lawsuit involving one of the corporation's substance abuse clinics. The matter involved numerous land use, licensing, legislative, constitutional, and state and federal statutory issues.
- Defended locality against developer's claim for rezoning property to preclude development of apartment project in established single-family neighborhood.
- Represented developer in state court action against a locality that denied a use permit for a residential/marina project on James River.
- Represented neighboring property owners in state court action against City for granting use permit for home for troubled teens adjacent to golf course community.
- Represented developer in suit to challenge inclusion of property in Special Taxing District, resulting in locality's voluntarily redrawing district to exclude property on eve of trial.
- Represented municipality in defense of claims brought by property owner following municipality's downzoning of land on which golf course had been developed to preclude change in use. The owner claimed various constitutional violations, religious discrimination, piecemeal downzoning, conspiracy, and fraud. Suits were filed in state, federal and bankruptcy courts.
- Represented neighboring property owners in challenge to BZA's granting of variance from height limitations for development of condominiums.
- Represented hotel owner challenging zoning administrator's determination that hotel was in violation of zoning restrictions.
- Represented developer in litigation against local government seeking interpretation and enforcement of provisions of prior owner's water and sewer agreements establishing connection charges for apartment development.
- Represented developer in claims against locality for delay in approval of development plan for tax-credit apartment complex.

#### Eminent Domain

- Represented landowner in federal eminent domain proceeding to recover award of just compensation.

- Represented Commonwealth Transportation Commissioner in eminent domain actions in various jurisdictions in Hampton Roads.
- Represented hotel owners in eminent domain proceeding brought by local Housing Authority to recapture a parking easement and associated rights previously granted by the Authority to the hotel owner.
- Represented national billboard company in eminent domain proceedings throughout Virginia, including two actions decided by the Virginia Supreme Court clarifying Virginia law on the right of tenants and owners of structures in eminent domain proceedings.
- Represented pipe line company in eminent domain proceedings to acquire pipeline easements in various jurisdictions
- Represented businesses and individuals in administrative claims for relocation benefits under Virginia Relocation and Real Property Acquisition Policies Act.
- Represented landowner with a hotel and other commercial businesses located at an Interstate 95 interchange in multiple condemnation proceedings following the taking of property to relocate the interchange.
- Represented landowner in eminent domain proceedings brought by Dominion Virginia Power to construct a 230KV transmission line.
- Represented owner of convenience store and gasoline business in West Point in condemnation of business property by VDOT.
- Represented residential owners of property in condemnation actions by VDOT for acquisition of property for I-295.
- Represented residential owners of property in condemnation actions by VDOT to acquire property for construction of Route 288.
- Represented Class I railroad in defense of eminent domain action by North Carolina Department of Transportation wherein rule of law established that safety must be considered in location of new roadway and rail crossing.
- Represented landowners of property in condemnation action by North Carolina Department of Transportation for acquisition of Highway 64 controlled access project in Eastern North Carolina.
- Represented landowners in condemnation action by North Carolina Department of Transportation for acquisition of Highway 70 controlled access project.
- Represented both residential and commercial landowners in numerous condemnation actions by the City of Raleigh, Town of Garner, Town of Cary, Town of Selma and Town of Morrisville.
- Represented low income housing owner in condemnation actions for urban renewal by City of Raleigh Housing Authority.
- Represent restaurant tenant in condemnation action by Triangle Transit Authority.
- Represented Shortline Railroad in condemnation action by North Carolina municipality.
- Represented hotel operator, gasoline retailer, and a developer in seven separate eminent domain proceedings related to the relocation of an interstate highway interchange.

## Related News

- Transfer of Development Rights in Virginia: Tapping into a Market for Land Use Entitlements
- Major Changes in Virginia Eminent Domain Law on the Horizon
- Virginia's Eminent Domain Question
- Avoiding Contempt: Responding to Non-Party Subpoenas
- 100 Williams Mullen Attorneys Named 2014 Best Lawyers in America
- 100 Williams Mullen Attorneys Named 2015 Best Lawyers in America
- 106 Williams Mullen Attorneys named 2016 Best Lawyers in America
- Williams Mullen Ranked Nationally in 16 Legal Practices by U.S. News ? Best Lawyers ?Best Law Firms? 2016
- 100 Williams Mullen Attorneys Named 2017 Best Lawyers in America
- 114 Williams Mullen Attorneys Listed in The Best Lawyers in America 2018

## Related Events

- CLE International Conference on Eminent Domain
- 7th Annual VA CLE International VA Eminent Domain Law & Practice Seminar

## Related Attorneys

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