



EMINENT DOMAIN LAW

The work of Riker Danzig's Eminent Domain Group is a natural outgrowth of the firm's comprehensive and diverse real estate practice. We have handled numerous large-scale projects involving the exercise of the power of eminent domain by both public and private bodies. We possess a high level of expertise, having extended our reputation for thorough and efficient legal representation into this specialized field. Over the past 15 years, Riker Danzig has been involved in or prosecuted condemnation matters as far south as Salem, Gloucester and Burlington Counties and as far north as Sussex and Bergen Counties. Our eminent domain attorneys in New Jersey have appeared in court in virtually every county in the state.

From 1994 to 2002, the firm served as general counsel to the New Jersey Turnpike Authority. Our eminent domain work for the NJTA involved hundreds of properties. Recent NJTA projects for which we have provided counsel included the expansion of Route 130 and construction of Interchange 6/6A, the relocation of Interchange 1, the development of the Secaucus Allied Junction and the completion of NJTA's widening program. This process included analysis of property acquisition needs, relocation of both residential and commercial owners and tenants, negotiation of acquisitions and the prosecution of condemnation matters. As part of the projects, the firm also negotiated several wetland banking and mitigation agreements, and defended several inverse condemnation matters.

The New Jersey Meadowlands Development Commission retained Riker Danzig as special counsel in connection with its project to close and redevelop several landfills. In that capacity, we were called on to advise NJMDC on a variety of issues including agreements with the redeveloper, insurance, relocation assistance and the ability of NJMDC to acquire certain properties by the power of eminent domain.

We have represented the State Operated School District of the City of Newark in acquisitions of land for future school development. The matters included both friendly acquisitions and condemnations.

We were retained by the New Jersey Economic Development Authority to represent it in eminent domain proceedings involving the State's \$9 billion public school construction program.

Riker Danzig represented the Casino Reinvestment Development Authority (CRDA) in connection with Phase I of

the Northeast Inlet Redevelopment Project in Atlantic City. The project called for the acquisition of over 200 parcels - six city blocks - and the relocation of 37 homeowners and their families, 45 tenants and three commercial entities pursuant to applicable relocation laws and regulations. In connection with the acquisition, the property owners posed various legal challenges to the project and to CRDA's exercise of its power of eminent domain, including an emergent application for a stay to the Law Division and Appellate Division of the Superior Court, which was ultimately heard and denied by the Supreme Court of New Jersey. Notwithstanding the intensity of these challenges, all the properties were acquired and cleared, and construction on this important public project commenced less than 10 months after the initiation of the negotiation process. Riker Danzig continued its representation of CRDA through the valuation hearings and trials in more than 40 separate condemnation cases.

The firm also has represented CRDA in its real property acquisition undertaken for the redevelopment of the Atlantic City Expressway "Corridor" area in Atlantic City, in connection with the construction of a new convention center at the foot of the Expressway. Through its representation of CRDA in these matters, Riker Danzig has developed a high level of understanding and expertise regarding state and federal eminent domain law and procedure, and state and federal relocation laws and regulations, which includes an understanding of the interplay between those relocation provisions and the exercise of the power of eminent domain by a public entity.

The firm also represented Columbia Gas Transmission Corporation in its acquisition of 57 miles of pipeline right of way across Northern New Jersey. In addition to negotiations and general acquisition activities, this project involved the exercise of the power of eminent domain by a private corporation as authorized by the Natural Gas Act. 15 U.S.C. § 717f(h). Riker Danzig also represented the same pipeline company in a similar project through Gloucester County.

Our eminent domain attorneys also have done extensive research into condemnation issues related to utilities. We have advised a municipality in connection with potential condemnation of a developer-owned water company and several utilities in connection with threatened condemnation of their facilities by public entities.

The firm has represented several developers in connection with redevelopment projects throughout the State. These projects, usually undertaken in urban areas pursuant to the Local Redevelopment & Housing Law (N.J.S.A. 40A:12A-1 et seq.), often involve redevelopment agreements and utilization of the eminent domain process. We advised the YankeeNets on a public/private commercial redevelopment project of approximately forty-seven acres of land in downtown Newark. That project involved the coordination of redevelopment and eminent domain powers.

In addition to our work on behalf of condemning authorities, we have also represented private companies and developers, including Vornado Realty Trust and Edison Properties, in the defense of governmental takings, including attempted highway access revocations or modifications undertaken by the Department of Transportation pursuant

to the State Highway Access Management Act. In this connection, we achieved for a client what was reported to be the highest per acre award ever made by the New Jersey Department of Transportation.