



# Eminent Domain from Each Side

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- What is Eminent Domain?
  - Taking of land for a public use.
- Who are the players?
  - Condemning Authority
  - Landowner and other interest holders



# Preliminary Steps

- Routing
- Identifying the Parties
- Surveying the Property



# Negotiations

## Condemnor:

- Statutory Requirements
- Texas Property Code Chapter 21
- Senate Bill 18 Changes

## Condemnee:

- Retaining Appraisal Experts
- Measures of Damages
- Addressing other Interests



## Condemnation in Texas is a Two-Part Process

- Administrative Phase
  - Special Commissioners' Hearing
  - Possession Pending Litigation
- Judicial Phase
  - Trial de novo





# Litigation: Preliminary Issues



- Objections to Award
- Service of Citation
- Burden Shifting
- “Right-to-Take”



# Continued Litigation



- Discovery
- Expert Witnesses
- Developing and Supporting Damage Models
- Evidentiary Challenges

- Bifurcation?
- Voir Dire – Special Considerations
- Opening and Closing





**Thank you**

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