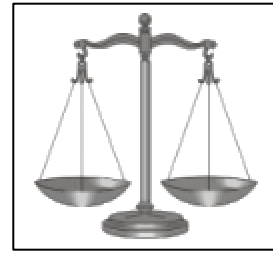


# IF YOUR PROPERTY IS CONDEMNED



## **Disclaimer**

This document is not a substitute for legal advice. Each potential acquisition of property is different. Just as each project has its own particular design, each case has its own pertinent facts. The facts of each individual case as well as the objectives of the owner form the basis of your attorney's approach. The intention of this guide is to provide property owners and tenants with general information about the condemnation and relocation processes. Hopefully, this understanding will enable you to make sound decisions from the beginning to the successful conclusion of your case.

## **Your Property, Eminent Domain and the Law**

**The New Jersey Constitution, Article 1, Section 20 states:**

*“Private property shall not be taken for public use without just compensation. Individuals or private corporations shall not be authorized to take private property for public use without just compensation first made to the owners.”*

## **CHECKPOINT 1**

### **When you first hear about a local project...**

- Find out as much as you can about the project. Check the newspapers (including archives of pertinent articles online), municipal, county and state web sites for general information.
- Request documents through the Open Public Records Act (OPRA). All citizens have the right to request documents and all levels of New Jersey government are required to produce public records.
- Attend Public Information Meetings or hearings. If the acquisition of your property is included in a project design, the condemning authority should notify you by mail of any meetings to discuss the project.
- Keep all documents that you receive. Make extra copies of all documents and keep in a safe place.

## CHECKPOINT 2

**The condemning authority will send an appraiser to value your property. Based on that appraisal, the condemning authority will make you an offer. If you don't agree with the initial offer...**

- Consult an attorney experienced in eminent domain (condemnation) litigation. By law, attorneys cannot advertise that they are *specialists* in a particular niche, but they can state their *practice areas*.
- You want the best possible analysis of your case and representation. The lawyer who handled your real estate closing may not be experienced in condemnation procedures.
- Anyone can settle a case. Choose the attorney who can take your case into litigation and through the appeals process.
- Select an attorney who represents property owners. Some lawyers represent condemning authorities and property owners—although never in the same project—the perception of conflict of interest may exist.
- Ask to see a current list of clients the attorney represents. Inquire about the attorney's previous results in similar cases.
- Know your neighbors. Chances are that other residents or businesses on your block are in your predicament. Your attorney may have clients in the same project and develop shared strategies toward a successful resolution of your case.



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