



# Preliminary Determinations

- ? Necessity determination
  - ? Footprint
  - ? Project enhancement rule
- ? Negotiations and offer to purchase
- ? Background on persons with interest in land
  - ? Title opinion
  - ? Tenants
  - ? Banks



## Eminent Domain Step 1

- ? § 21.0111 – Disclosure of Information Required
- ? § 21.0112 – Landowner’s Bill of Rights Statement
  - ? Government Code § 402.031
- ? § 21.012 – Condemnation Petition
- ? § 21.013 – Venue
- ? § 21.014 – Special Commissioners
- ? § 21.015 – Hearing
- ? § 21.016 - Notice



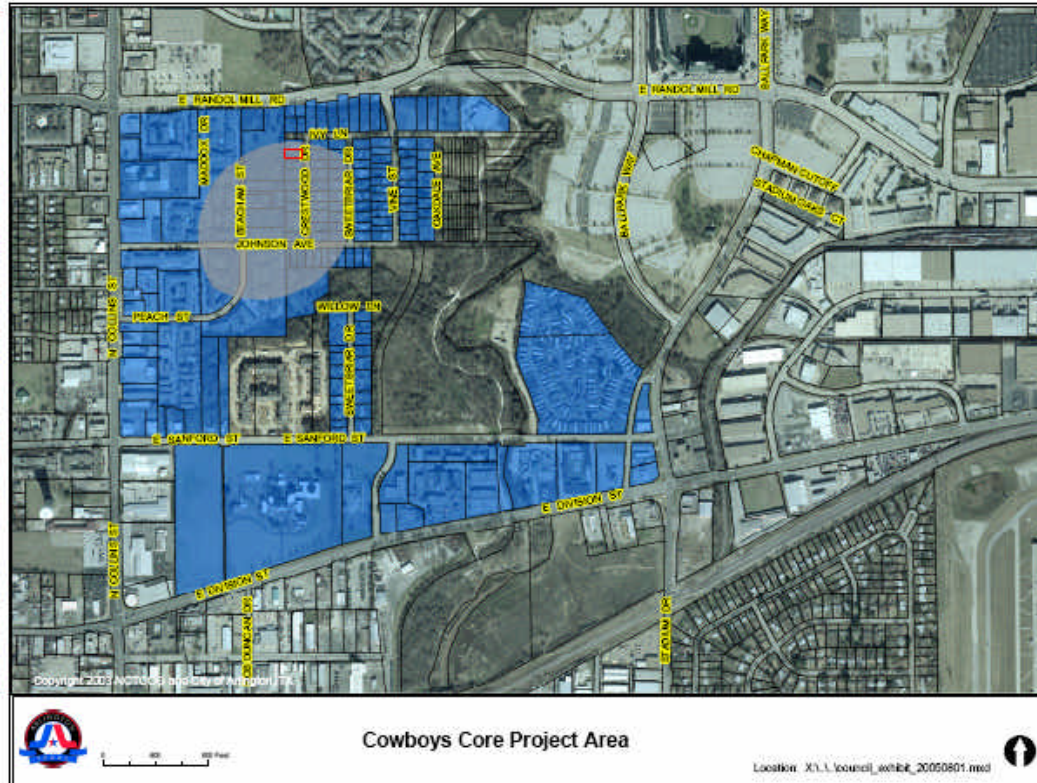
## Eminent Domain Step 2

- ? § 21.018 – Appeal from Commissioners’ Findings
- ? § 21.019 – Dismissal of Condemnation Proceedings
- ? § 21.020 – Reinstatement of Condemnation Proceedings
- ? § 21.021 – Possession Pending Litigation

## Acquisition strategy

- ? Footprint in mid-2005
- ? January 2006 deadline to acquire 162 tracts
- ? Fast track strategy for commencement of proceedings
- ? Meeting with clerk personnel and judges
- ? Multi-track commissioners' hearings
- ? Deposit of award
- ? Management of appeals from commissioners' hearings
- ? Motion for summary judgment
- ? Discovery and trial
- ? Appeal final July 24

# Footprint



## Case example



## Case example



## Case example



## Case example





# Texas Government Code Chapter 2206

- ? *Kelo v. New London*, 545 U.S. 469 (2005).
- ? Chapter 2206, effective Nov. 18, 2005.
- ? Taking cannot:
  - ? Confer a private benefit on a particular private party
  - ? Be for a public use that is merely a pretext to confer a private benefit on a particular private party
  - ? Be for economic development purposes, unless the economic development is a secondary purpose resulting from municipal community development or municipal urban renewal activities to eliminate an existing affirmative harm on society from slum or blighted areas