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**Key Concepts for the Beginning Eminent Domain Practitioner**

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For many lawyers, the total time spent in law school learning about condemnation laws and procedures is less than the time required to order a cup of coffee. While every law school graduate knows the authority to condemn is constitutionally based, not many understand the unique concepts involved in taking a condemnation case from start to finish. Let's start with the basics.

Eminent domain is the constitutional power conferred upon federal and state governments to take or acquire private property without the owner's consent for public projects, most commonly for local or state infrastructure. It is limited by the Fifth Amendment in two very important respects: the taking must be for a public use and just compensation must be paid. Eminent domain authority is delegated by constitutional amendments and enacting legislation to specific entities, such as state Departments of Transportation, cities, counties, schools, utilities, railroads, or housing development authorities. The term "condemnation", often used interchangeably with eminent domain, is the formal exercise of or procedure to carry out the power of eminent domain and transfer title from the private property owner to the government. In general, every property right and interest is capable of being condemned. Whether every right and interest must be compensated, however, is a different story. Because condemnation procedures vary widely between the states, it is important to fully understand the rules and procedures in the particular jurisdiction.