

Purple Line News: Dual Tracking Now Underway

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The Purple Line Project is moving forward aggressively on two parallel tracks. The State is pursuing the selection of its private partner who will build, operate and maintain the project, while it simultaneously moves forward with the process of acquiring the property it needs in and along the right-of-way, either by agreement, or eminent domain if

necessary.

The Purple Line is Maryland's first "P3"—Public Private Partnership—project, in which a private company will be chosen to build, operate and maintain the system according to specifications set by the State. Because the chosen concessionaire will be required to maintain the system for 30 years after it is constructed, the concessionaire will be motivated to build a high-quality system—at least that is the theory. Numerous contending companies submitted proposals to the State last Fall. The State has chosen its top four companies and will be issuing to those companies detailed specifications upon which they will base their bids within weeks. The four companies will submit their final bids this Fall and the State will select the company with which it will partner by the Spring of 2015. Construction of the Purple Line is scheduled to begin in mid-late 2015 after the concessionaire is chosen.

In order for construction to begin next year, the State must acquire property and easements from hundreds of private owners along the planned right-of-way. Some properties will be acquired in their entirety. The State will require partial acquisitions or easements over other properties. But the State's goal is to conclude the acquisition of the property rights it needs now, so construction may move forward without delay once the contractor is chosen and full funding, including matching federal funds, is obtained.

The first step in the acquisition process is for the State to have the property interests it requires valued by an independent appraiser. The State has engaged numerous appraisers to complete this work who are currently in the field inspecting and opining on the value of the owners' properties. Once the appraisals are completed the State will offer to purchase the property rights needed and try to acquire the properties, or property interests, by agreement. If a negotiated purchase is not reached, the State will use its eminent domain authority and condemn the property rights it needs.

It is important for property owners to know that they *do not have to accept the State's offer*. Often the State's appraiser, and consequently the State's offer of compensation, fails to consider important factors impacting a fair valuation of the property taken and damages caused to the remainder of property which is not taken. A property owner should carefully review the State's appraisal to insure that the just compensation suggested by the appraiser fully captures the value of the property being taken and all damages caused to the remainder of the owner's property, which is not being taken. Often a competent review will require the consultation of an independent appraiser chosen by the owner.

The eminent domain attorneys at Miller, Miller & Canby will review any offer made by

the State without charge to determine whether we believe you may be entitled to greater compensation than has been offered by the State. If you are interested in a no obligation review of your case, or if you have any questions about your rights or the condemnation process, please call our office at 301-762-5212 and ask to speak with one of our eminent domain attorneys, Jim Thompson or Joe Suntum. **Jim Thompson** was named 2013 Lawyer of the Year in the Eminent Domain category by Best Lawyers and **Joe Suntum** is the Maryland representative member of the Owners' Counsel of America—a respected national organization of eminent domain attorneys dedicated to protecting clients' rights in condemnation. For more information on Miller, Miller & Canby's eminent domain practice and the firm's representative eminent domain cases, please [click here](#). U.S. News - Best Lawyers® awarded Miller, Miller & Canby a First Tier ranking in the Washington, DC metropolitan area for Eminent Domain and Condemnation for 2014. [Click here](#) to read more.

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