

# EMINENT DOMAIN & PROPERTY RIGHTS

The General Assembly shall enact no law authorizing private property to be taken for public use, without just compensation...

**MARYLAND CONSTITUTION**

[No person] shall...be deprived of life, liberty,  
or property, without due process of law...

**U.S. CONSTITUTION**



MILLER, MILLER & CANBY  
**MM&C**  
CLIENT FOCUSED. RESULTS DRIVEN.

# WHAT PROPERTY OWNERS NEED TO KNOW

## You May Have Questions

- Can my property be taken for any reason?
- Who decides if the taking of my property is necessary?
- Do I have to accept the condemning authority's compensation offer?
- Can the government take as much of my property as it wants?
- Should I do anything before my property is condemned?
- What happens to my remaining property?
- How do I get my money out of court?

## MM&C HAS ANSWERS

### We Can Help

**In cases of eminent domain, also referred to as condemnation, the property owner is constitutionally entitled to be paid "Just Compensation" for any property taken for a public use and damages for any diminution in value caused to the remainder of property not taken.**

The measurement of full Just Compensation is often vigorously contested by the condemning authority. The laws of eminent domain vary from state to state. Each state has unique policies and procedures that complicate this area of law, making the counsel of an experienced eminent domain attorney necessary. Active participation in the pre-condemnation planning process may permit an owner to avoid, or influence, the nature of the project on their property. And if a taking is inevitable, pre-condemnation planning by the owner can increase the amount of Just Compensation.

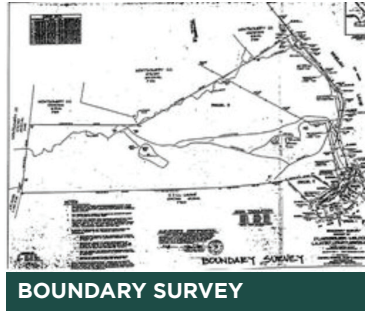
If you receive a written notice of property taking, or if you even hear a rumor that your property may be taken or condemned, protect your property rights and heed this advice:

- ① Do not discuss any issue pertaining to the value of your property with anyone without first consulting counsel, as statements made by you may be used against you in the condemnation proceeding.
- ② Do not attempt to value your property without the advice of a competent real estate appraiser.
- ③ Do not permit anyone to conduct any tests such as borings, explorations, and water testing, unless your counsel confirms such tests are necessary for the project.
- ④ Do not supply copies of leases, expense records, profit and loss statements or similar documents to the government or its representatives without first referring such requests to counsel.





BEFORE



BOUNDARY SURVEY

**Industrial & Residentially Zoned - Unimproved Property**  
**Montgomery County, MD**  
**Initial Offer: \$3,750,000**  
**Final Award: \$8,545,000**

Montgomery County condemned 82.12 acres of industrial and residentially-zoned undeveloped property located in the NW quadrant of I-270 and Rt. 121 for the purpose of the North County Depot Project.



TREASURER'S CHECK

**Landlocked Remnant**  
**Montgomery County, MD**  
**Initial Offer: \$73,800**  
**Final Award: \$1,568,000**

The State left this landlocked remnant of approximately 1.5 acres in the wake of its adjacent takings for the ICC. MM&C proved the property could be developed in conjunction with adjacent property which had also been taken for the same project and had originally been part of a larger parcel with common ownership.



DURING



BEFORE



DEVELOPMENT PLAN

**24.05 Acres Residential**  
**Batchellors Forest Rd., Silver Spring, Montgomery County, MD**  
**Initial Offer: \$83,529**  
**Final Award: \$1,393,000**

Partial taking (54,856 sq. ft.) of residential property on the south side of Batchellor's Forest Road for the purpose of highway construction. The taking and project caused substantial severance damages to the property not taken and reduced its value as a potential church site.



**BEFORE**



**AFTER**

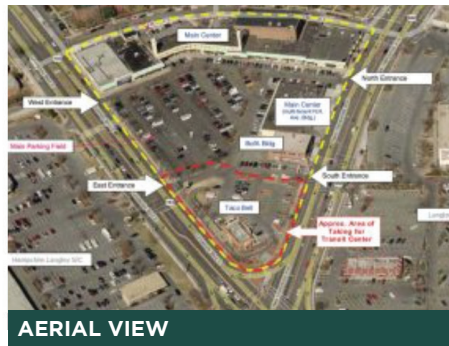
#### **12.04 Acres of Industrial Zoned Property**

**Rockville, Montgomery County, MD**

**Initial Offer: \$1,600,000**

**Final Award: \$4,390,000**

The County took approximately 5 acres of this 12-acre, improved industrial property. The taking significantly impacted the post-taking development potential of the remaining property.



**AERIAL VIEW**



**AFTER**

#### **Shopping Center**

**Prince George's County, MD**

**Initial Offer: \$3,750,000**

**Final Award: \$12,500,000**

Taking of 1.18 acres of a 7.83-acre shopping center in the NW quadrant of New Hampshire Avenue and University Boulevard for the construction of a bus transit facility. The loss of parking substantially damaged the value and operation of the shopping center.



**BEFORE**



**DEVELOPMENT PLAN**

#### **360,000 Square Foot Investment Grade Warehouse**

**Prince George's County, MD**

**Initial Offer: \$40,000,000**

**Final Award: \$48,000,000**

Complete take of a 360,000 sq. ft. investment-grade warehouse in Prince George's County by WMATA for a new METRO trains maintenance facility. MM&C proved that warehouse property values increased substantially due to Amazon's footprint, e-commerce and resulting high demand.

## OUR FIRM

Miller, Miller & Canby has extensive experience protecting client rights when their property interests are threatened, or taken, by governmental authorities for public use. Our experienced Maryland eminent domain attorneys assure that governmental exercise of power is authorized and that our clients' rights to full and just compensation are honored and protected through pre-condemnation planning, valuation, settlement negotiation and trial in both direct and inverse condemnation cases.



**U.S. News - Best Lawyers®** has awarded Miller, Miller & Canby a First Tier ranking in the Washington, DC metropolitan area for Eminent Domain and Condemnation.

## OUR TEAM

### Joseph P. Suntum

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Joseph ("Joe") Suntum is the firm's Eminent Domain Practice Group Leader. Mr. Suntum is a rare trial lawyer who has successfully tried both murder cases and multi-million dollar civil actions. He now focuses his practice and applies his trial skills in eminent domain and real property litigation. In

2013, Mr. Suntum was elected Maryland's representative in the Owners' Counsel of America, a national network of property rights attorneys with demonstrated excellence in this area. He served as chair of the Owners' Counsel Board of Directors during 2020-2022.

### Diane E. Feuerherd

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Diane Feuerherd is an appellate and trial attorney, focusing on business, real estate and eminent domain litigation. She has successfully advocated cases, including jury and bench trials, at each level of the Maryland State Courts (District Court, Circuit Court, Court of Special Appeals and Maryland's highest court, the Court of Appeals), as well as before local

administrative agencies and the U.S. District Court. Known in Maryland for her appellate work, she is an active part of the Maryland State Bar Association, serving as the Manager for the Maryland Appellate Blog and Co-Chair of the Judicial Appointments Committee. She is also an Associate Member of the Owners' Counsel of America.

# JUSTICE

"I have had the benefit of working with many excellent eminent domain attorneys. I would put Joe up there with the best of them."

— **Jim Ritzenberg**, President, SR Management Company

"Diane's abilities in the courtroom were unbelievable. Her attention to every detail was well thought out and remarkable. We are extremely happy with the outcome."

— **Cheryl and Kevin Davenport**

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Start working with a law firm that  
**values clients and delivers results.**

**START PROTECTING YOUR RIGHTS TODAY.**

Please contact our office today for a complimentary copy of our paper on  
*Pre-Condemnation Planning or our Owner's Handbook—  
The Condemnation Process and Just Compensation in the State Courts in Maryland.*



To learn more about Miller, Miller & Canby and eminent domain contact us at  
**301.762.5212** to set up your consultation.

200-B Monroe Street, Rockville, Maryland 20850 • [www.millermillercanby.com](http://www.millermillercanby.com)



Dedicated to Representing Property Owners in Eminent Domain