

Condemnation & Eminent Domain

The power of eminent domain – the right of government to take private property for public use – is an essential tool for redevelopment, infrastructure, and public projects across New Jersey. In exercising this power, the government is constitutionally required to demonstrate that any taking of private property must be for a public use, and that property owners receive fair market value, or “just compensation” from the government. The firm’s deep expertise in redevelopment and land use law is an essential component of our representation of both private parties and public authorities in condemnation and eminent domain actions.

For property and business owners whose property is designated for a public project, our advocacy begins with an analysis of the legality and necessity of the proposed condemnation to ensure the taking is for a legitimate public purpose. In negotiating compensation, our work is focused on maximizing the amount of compensation the property owner is entitled to receive. We partner with appraisers and other professionals to obtain an accurate valuation of the property, which includes the value of land, building, fixtures and other improvements. In certain instances, this may also include the cost of relocation and other expenses related to business operations. We represent clients throughout the condemnation process, including in hearings before commissioners and when necessary, in court proceedings.

For municipalities, redevelopment agencies, and other public entities, a legally sound and efficient condemnation process is critical to the success of a public project. We assist condemning authorities in all stages of project development, from initial declarations of "areas in need of redevelopment" to advising on the legal requirements for exercising eminent domain. In New Jersey, this representation encompasses ensuring procedural compliance with the Eminent Domain Act of 1971 and the Local Redevelopment and Housing Law, as well as handling all aspects of the acquisition negotiation process, fulfilling all notice requirements, managing challenges and disputes that arise, and prosecuting condemnation actions in New Jersey’s Superior Court when necessary.

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Experience

Representative Matters

- Represented the redeveloper of a multi-million-dollar mixed-use project in Linden comprised of 113 market-rate residential dwellings and over 16,000 square feet of retail space. Counsel included the preparation and negotiation of the redevelopment agreement and PILOT agreement, as well as coordination of the acquisition of private properties through agreement or condemnation by the City of Linden.
- Serving as Special Redevelopment and Affordable Housing Counsel to the Municipality of Princeton on the redevelopment of the Princeton Seminary property, which includes the acquisition of more than six acres through eminent domain for \$42 million, and planning for multiple affordable housing projects totaling more than \$185 million.
- Represented the New Jersey Schools Development Authority in long-running condemnation and environmental remediation litigation, securing recovery of more than \$4 million in escrowed funds to reimburse cleanup costs incurred by the client.

- Represented Terreno Realty Corporation in the \$29.8 million negotiated sale of an industrial property in Newark to a governmental agency in lieu of condemnation, addressing phased takings, tenant and environmental access issues, and valuation protections tied to potential future acquisitions.

Published Cases

- In *Middlesex County Utilities Authority v. Edgeboro Landfill* (1975), defended a landfill owner in an eminent domain proceeding brought by a county utilities authority, achieving a settlement of nearly \$40 million, more than ten times the authority's initial offer of \$3.5 million, after 40 days of hearings.

Insights & More

Announcements

2026 Edition of Best Lawyers Recognizes 54 Attorneys in 41 Practice Areas: Eight Greenbaum Lawyers Recognized on "Ones to Watch" List

8.21.25

Greenbaum, Rowe, Smith & Davis Recognized on 2025 "Best Law Firms®" rankings by Best Lawyers®

11.06.24

2025 Edition of Best Lawyers Recognizes 56 Attorneys in 39 Practice Areas: Ten Greenbaum Lawyers Recognized on "Ones to Watch" List; Three Selected for "Lawyer of the Year" Recognition

8.14.24