



Eminent Domain

OVERVIEW

At Rich May, P.C. our eminent domain attorneys achieve timely entry and use of private and public property for utility and other infrastructure facilities determined to be in the public interest under state or federal law.

For the last six decades we have approached land acquisition and immediate possession transactions strategically, realistically and creatively, working with our clients to develop the most advantageous plan to obtain maximum long term-value from their land acquisition dollars prior to and upon exercising federal or state eminent domain powers. We address issues related to both obtaining necessary land rights and federal preemption and optimum forum selection for litigation of issues of preemption, immediate possession or just compensation.

We offer a full range of legal services to holders of eminent domain authority with land acquisition or land use needs. Our principal clients have included interstate pipeline and federally regulated LNG developers. We help our clients meet their land acquisition project needs, from permit determination and survey entry through agreements for acquisition and litigation to determine just compensation. Our services include:

- contracting for title examination
- reviewing title for purposes of easement and land acquisition
- advising on route selection in the crossing of public, public trust, public utility and railroad property
- obtaining survey entry authorization under state administrative processes for landowners refusing voluntary survey entry
- advising on and litigating issues of federal preemption of state or municipal laws or regulations pertaining to energy facility siting and regulation

Services

- Business, Corporate & Securities
- Employment & Employee Benefits
- Energy, Renewables & Regulated Industries
- Estate Planning, Tax, & Probate
- Investment Management & Private Funds
- Litigation & Dispute Resolution
- Real Estate
 - Commercial Leasing
 - Commercial Real Estate Acquisition & Development
 - Construction
 - Eminent Domain
 - Land Use & Environmental
 - Lending and Title Insurance
 - Real Estate Litigation & Title Defense
 - Solar Energy Development
 - Zoning, Subdivision Control & Environmental Compliance
- Trademark & Copyright

Attorneys

- James M. Behnke
- Erica P. Bigelow
- James T. Finnigan
- James B. Heffernan
- Sarah M. Wegman

- negotiation and advice on license, easement or fee rights from owners of private, public utility or public land and advice on land valuation for compensation and damage purposes
- advising on the choice of the optimum forum for exercising immediate possession and eminent domain rights, respecting land owners who fail to grant entry or land rights voluntarily
- litigating issues of immediate possession, eminent domain rights and just compensation.

EXPERIENCE

- Advising an interstate pipeline and its affiliated operational pipelines in Massachusetts and other New England and Mid-Atlantic States on state permitting, federal preemption, land acquisition and eminent domain issues since its inception and construction in 1953.
- Advising two interstate pipelines desiring to transport gas from Canada through Maine and New Hampshire to Massachusetts on state permitting, federal preemption, land acquisition and eminent domain issues and successfully implementing land acquisition strategy for Massachusetts lands.
- Advising an interstate pipeline on the acquisition and sale of an interstate LNG facility located in Providence, R.I. and on federal preemption of municipal zoning laws for over two decades.
- Advising two affiliated interstate pipelines on state permitting, federal preemption, land acquisition and eminent domain issues associated with obtaining interstate pipeline rights to transport natural gas cross eastern Massachusetts, Massachusetts Bay and federal waters. This included the successful filing and management of approximately 130 eminent domain actions in federal court.
- Advising on federal preemption, land acquisition and eminent domain matters on numerous smaller interstate natural gas pipeline projects in Massachusetts and on state and federal offshore lands.