



Gaylord
Merlin
Ludovici
& Diaz

EMINENT DOMAIN

INVERSE CONDEMNATION

PROPERTY RIGHTS



NOTABLE CASE RESULTS

5001 West Cypress Street Tampa, FL 33607-3803
(813) 221-9000 | (877) 982-1900 Toll Free
www.gaylordmerlin.com

Ranch Conservation Easement



Initial Offer:
\$4,300,000

Final Recovery:
\$22,250,000

Vacant Downtown Property



Initial Offer :
\$5,500,000

Final Recovery:
\$9,500,000

John T. Haynsworth Pipeline Easement Taking



Initial Offer:
\$23,000

Final Recovery:
\$750,000

Hamilton Engineering & Surveying, Inc. Vacant Property



Initial Offer :
\$79,100

Final Recovery:
\$1,000,000

SunBank of Volusia County Bank Facility



Initial Offer:
\$18,600

Final Recovery:
\$650,000

Circle K Stores, Inc. Convenience Store



Trial Position:
Proposed total take

Final Result:
Taking denied

Bethel Temple Church and School



Initial Offer:
\$411,750

Final Recovery:
\$1,100,000

Burger King Fast Food Restaurant



Initial Offer:
\$0

Final Recovery:
over \$453,000

Waters Avenue Land Partners, LTD.



Final Recovery:
\$9,600,000

Glen Abbey Golf Course, Inc. Inverse Condemnation



Initial Offer:
\$0

Final Recovery:
\$1,500,000

Beachwalk Shopping Centre Property



Initial Offer:
\$790,268

Final Recovery:
\$3,500,000

Lutz Animal Hospital Small Business Owner



Initial Offer:
\$949,750

Final Recovery:
\$2,227,889

Ranch Conservation Easement - Water Management District Taking



Case Notes

- Taking by the South Florida Water Management District of approximately 1,557 acres
- Taking consisted of fee simple and flowage easement uses by the District for the Kissimmee River Restoration Project
- The District taking based on multiple computer-generated water drainage models developed by the Army Corps of Engineers
- Award of \$22,225,000 is one of the largest awards in the history of Okeechobee County

Initial Offer: \$4,300,000

Final Recovery: \$22,250,000

Vacant Downtown Property - Multiple Land Owners



Case Notes

- Taking by the Hillsborough Area Regional Transportation Authority ("HART") of 50,000 square feet of vacant property for the construction of its trolley terminal project.
- Property was located immediately east of the Tampa Convention Center in downtown Tampa, across the street from the Marriott Waterside Hotel.
- Property was owned by multiple land owners.
- HART argued that the taking caused no severance damages to the remaining property.
- Jury verdict of \$9,500,000 is one of the largest eminent domain verdicts in the history of Hillsborough County.

Initial Offer : \$5,500,000

Final Recovery: \$9,500,000

John T. Haynsworth Revocable Land Trust Pipeline Easement Taking



Case Notes

- Taking by Florida Gas Transmission Company of 5.2 acres of vacant property from a 492 acre tract on the south side of State Road 60, west of the intersection of State Road 39 in Hillsborough County.
- Taking of easement for construction of high pressure natural gas pipeline.
- Original pipeline easement route bisected the property. Pipeline easement route was relocated to travel the western and southern property boundaries. Among other things, the taking constrained site development.
- The gas company contended that the property was not suitable for residential use because it was reclaimed from former phosphate mining activity.
- The gas company argued that the property had only a nominal value and that the pipeline easement caused no damages to the remaining property.

Initial Offer: \$23,000
 Final Recovery: \$750,000

Hamilton Engineering & Surveying, Inc. Vacant Property



Case Notes

- Taking by the State of Florida Department of Transportation of 24.173 acres from 30.397 acre tract at one of major intersections in Hernando County.
- The taking resulted in decreased road frontage, constricted access, loss of a signalized intersection location, reduction of frontage on one road, and reduction of property size. The taking restricted the potential of the remainder to a less intense commercial use, without outparcel potential.
- The Department argued that the property was primarily undevelopable wetlands and had only a nominal value.

Initial Offer : \$79,100
 Final Recovery: \$1,000,000

SunBank of Volusia County Bank Facility



Case Notes

- Taking by the State of Florida Department of Transportation of 1,658+ square feet of a 31,519+ square foot shopping center outparcel property owned and used by bank.
- Taking resulted in loss of main driveway used for accessing the property.
- Business identification sign was relocated.
- Loss of use of on-site drive-thru tellers.
- Loss of parking.
- On-site traffic circulation was compressed.

Initial Offer : \$18,600
 Final Recovery: \$650,000

Circle K Stores, Inc. Convenience Store



Case Notes

- Proposed total taking by the County.
- The taking would have resulted in the business owner/tenant closing its store and not recovering any compensation whatsoever for its business loss.
- The County attempted to avoid payment of business damages by taking the entire parcel.
- The County was denied the total take based on evidence that only part of the property was needed for the project.
- After the denial of the taking, the business owner agreed, through a negotiated settlement, to convey its entire interest in the property in exchange for payment of its business damages.

Trial Position: Proposed total take
 Final Result: Taking denied

Bethel Temple Church and School



Case Notes

- Taking by the State of Florida Department of Transportation of 18,731 square feet (0.43 acres) of a 5.14 acre church and Christian school "campus."
- The part taken contained 72 of the 205 existing parking spaces, a 35% reduction. A parking use study showed that parking demand at special events often exceeded available parking.
- The taking also disrupted on-site traffic circulation, and created problems for parents picking-up and dropping-off their children.

Initial Offer : \$411,750
Final Recovery: \$1,100,000

Burger King Corporation Fast Food Restaurant



Case Notes

- Taking by the State of Florida Department of Transportation of 22% of shopping center outparcel property used by fast food restaurant.
- Taking resulted in loss of driveway, reduction of parking, relocation of business identification sign, and compression of on-site traffic circulation.

Initial Offer : \$0
Final Recovery: over \$453,000

Waters Avenue Land Partners, LTD.



Final Recovery: \$9,600,000

Case Notes

- On July 8, 1988, the Expressway Authority filed a Map of Reservation in order to prevent development on a portion of the 200 acre tract preserving the undeveloped land for the future Veteran's Expressway.
- The Map of Reservation prevented the owner from obtaining development permits or constructing new structures on vacant land for a period of five years from the date of recording the Map. Due to the Map, the owner was forced to exclude large portions of the property from development while continuing to pay taxes and debt service on the excluded property without the ability to obtain a return on his investment on the property.
- The Expressway Authority filed law suit to condemn a portion of the property without payment for the Map of Reservation. The property owner filed a counterclaim in inverse condemnation for the taking of its property by the Expressway Authority's Map of Reservation

Glen Abbey Golf Course, Inc. Inverse Condemnation



Initial Offer : \$0
 Final Recovery: \$1,500,000

Case Notes

- Flooding of golf course.
- Suit by golf course for inverse condemnation against the State of Florida Department of Transportation, Volusia County, and the City of DeBary.
- Obtained City of DeBary's commitment to ensure flooding would end.

Beachwalk Shopping Centre Shopping Center Property



Initial Offer : \$790,268
 Final Recovery: \$3,500,000

Case Notes

- Taking by the State of Florida Department of Transportation of 30,872 square feet from 8.88 acre improved shopping center property along Front Beach Road and Thomas Drive in Panama City, Bay County.
- Taking resulted in placement of property on drastically inferior one-way frontage road system due to construction of elevated by-pass and flyover, together with a system of "Texas U-turns," to facilitate high speed, non-stop traffic.
- Taking resulted loss of immediate access, requiring drivers to turn 2,550 feet (westbound drivers) and 3,900 feet (eastbound drivers) prior to reaching the property.
- Taking eliminated 46% of visibility (eastbound drivers) and 39% of visibility (westbound drivers) of property.
- Taking and its impacts reduced the remainder to a less intense commercial use.
- The Department did not value all severance damages resulting from the taking, including the inferior access and the loss of visibility.

Lutz Animal Hospital Small Business Owner



Initial Offer : \$949,750
 Final Recovery: \$2,227,889

Case Notes

- Taking by the State of Florida Department of Transportation of 175,334 square feet for road widening and a retention pond.
- The retention pond was to be constructed next to the clinic. The taking resulted in loss of all the clinic's front parking and dramatically increased road noise.
- The department argued that the taking caused nominal damage.

Client and/or Style of Case	Type of Condemnation	Offer	Final Award
FDOT v. H & S Realty and Property, Inc.	Causeway Boulevard Hillsborough County, Florida	\$25,000	\$317,000
FDOT v. Donly	I-75 Hillsborough County, Florida	\$500	\$134,000
FDOT v. Cement Products	I-75 Manatee County, Florida	\$168,000	\$414,000
Florida Power v. Sanders	Transmission Line Taking Polk County Florida	\$55,000	\$385,000
Florida Power & Light v. Cameron	Powerline Easement Seminole County, Florida	\$176,400	\$751,000
FDOT v. Standard Oil	U.S. 19 Pinellas County, Florida	\$-0-	\$279,370
FDOT v. Burger King Corporation	State Road 84 Broward County, Florida Inverse Condemnation	\$-0-	\$1,250,000
FDOT v. David	U.S. 19 Pinellas County, Florida	\$238,200	\$555,000
FDOT v. Freedom	U.S. 19 Pinellas County, Florida	\$19,725	\$330,000
FDOT v. Tri-City	U.S. 19 Pinellas County, Florida	\$ -0-	\$1,197,000
FDOT v. Eddie's Amoco	S.R. 862 / I-595 Broward County, Florida	\$200,000	\$750,500
FDOT v. Esrick	U.S. 19 Pinellas County, Florida	\$118,923	\$545,000
FDOT v. McDonald's	U.S. 19 Pinellas County, Florida	\$197,002	\$850,500
USA v. 16.19 Acres	Veterans' Hospital Expansion Hillsborough County, Florida	\$1,585,000	\$3,039,567
FDOT v. Wendy's International, Inc.	U.S. 19 Pinellas County, Florida	\$-0-	\$838,840
FDOT v. Burger King	U.S. 19 Pinellas County, Florida	\$91,300	\$440,000
FDOT v. Blanton	U.S. 19 Pinellas County, Florida	\$14,200	\$405,000
FDOT v. Monroe Enterprises	U.S. 19 Pinellas County, Florida	\$34,450	\$460,000
FDOT v. MBC Corporation	U.S. 19 Pinellas County, Florida	\$-0-	\$380,000
FDOT v. Hinely Associates	U.S. 19 Pinellas County, Florida	\$169,200	\$2,000,000

Client and/or Style of Case	Type of Condemnation	Offer	Final Award
FDOT v. Joint Ventures, Inc.	S.R. 595 Hillsborough County, Florida Inverse Condemnation	\$-0-	\$750,000
FDOT v. Principle Financial	Village at Countryside, U.S. 19 Pinellas County, Florida	\$209,400	\$1,996,000
DOT v. O.196 Acres of Land	S.R. 340 Cobb County, Georgia	\$45,273	\$277,300
OOCEA v. W&F Agrigrowth (W&F Agrigrowth - Fernfield Ltd.)	Orange County, Florida Inverse Condemnation	\$-0-	\$784,459.07
Illinois Sports Facilities Authority v. Amoco	Comiskey Park Cook County, Illinois	\$145,000	\$600,000
Illinois State Toll Highway Authority v. Amoco	63rd/Hobson DuPage County, Illinois	\$231,000	\$2,025,000
Hillsborough County v. Wallace	Bearss Avenue Hillsborough County, Florida	\$200,000	\$650,000
Sandhills & Lopez v. FDOT	Southwest Beltway Osceola County, Florida Inverse Condemnation	\$-0-	\$789,635
Hillsborough County v. Brand	Waters Avenue Hillsborough County, Florida	\$98,700	\$452,624
Orange County v. Quaid Fence	Goldenrod Road Orange County, Florida	\$187,800	\$500,000
FDOT v. Amoco Oil Co. #2	S.R. 745 Escambia County, Florida	\$118,000	\$300,000
THCEA v. Chang (Waters Avenue Land Partners)	Hillsborough County, Florida	\$6,500,000	\$9,300,000
THCEA/FDOT v. Cotton (Wayne & Trudy Jones)	Hillsborough County, Florida Inverse Condemnation	\$12,725	\$117,725.00
Village Rosemont v. Amoco Oil	Cook County, Illinois	\$550,000	\$1,000,000
FDOT v. Cargo Gasoline	Hillsborough County, Florida	\$249,000	\$490,000
Tampa-Hillsborough County Expressway Authority v. Dundee Properties, Inc.	Hillsborough County, Florida Inverse Condemnation	\$1,098,750	\$1,800,000
FDOT v. Lamy (Kearney Development Co.)	Hillsborough County, Florida	\$198,475	\$2,400,000
FDOT v. Northside Propane	Widening of U.S. 41 Hillsborough County, Florida	\$99,100	\$500,000
FDOT v. Meyer	Widening of U.S. 41 Hillsborough County, Florida	\$22,500	\$700,000
FDOT v. Ramsey	Widening of U.S. 41 Hillsborough County, Florida	\$142,100	\$424,000

Client and/or Style of Case	Type of Condemnation	Offer	Final Award
FDOT v. Burger King Corp.	Widening of U.S. 41 Hillsborough County, Florida	\$550,000	\$1,150,000
Lee County v. Aetna	Midpoint Bridge Lee County, Florida	\$1,062,414	\$2,987,500
FDOT v. CSX Trans., Inc.	Polk Parkway Polk County, Florida	\$770,900	\$1,027,900
FDOT v. Wendy's	Widening of U.S. 19 Pinellas County, Florida	\$680,000	\$1,086,000
Sarasota County v. Kimco Development (7-Eleven)	Road Widening Sarasota County, Florida	\$-0-	\$500,000
FDOT v. Logan Properties, Inc. (Burger King)	Fowler Avenue Widening Hillsborough County, Florida	\$81,250	\$453,750
FDOT v. Hubbard Construction Company	SR 44 Widening Sumter County, Florida	\$514,400	\$1,289,717
FDOT v. Lakeland Venture Limited Partnership	Polk County Expressway Polk County, Florida	\$165,250	\$921,090
FDOT v. Talquin (Circle K)	State Road 61 Leon County, Florida	\$123,500	\$600,000
FDOT v. Mary A. Leisner, et al.	US 41 Widening Pasco County, Florida	\$949,750	\$2,227,889 + interest
Lee County v. Toys "R" Us	Colonial Blvd., Midpoint Bridge Project Lee County, Florida	\$130,860	\$977,000
FDOT v. Pickard	I-4 Widening Hillsborough County, Florida	\$703,300	\$1,874,000
Hillsborough County v. Kathary (Circle K)	Linebaugh Avenue Widening Hillsborough County, Florida	\$91,130	\$550,000
FDOT v. Polk Nursery Company	Polk Parkway Polk County, Florida	\$330,035	\$2,200,000
Lee County v. Colonial Square Shopping Center	Colonial Blvd., Midpoint Bridge Project Lee County, Florida	\$787,865	\$1,690,000
FDOT v. Allen & Sons, Inc. and Allen Grove Partnership	Polk Parkway Polk County, Florida	\$596,900	\$1,600,000
FDOT v. Lake Francisco (Land O' Lakes Tire Co.)	US 41 Widening Pasco County, Florida	\$-0-	\$255,000
FDOT v. Donald A. Mattingly	US Hwy. 301 Widening Manatee County, Florida	\$455,200	\$763,410
FDOT v. Kosmakos Brothers Partnership	Gulf Boulevard Widening Pinellas County, Florida	\$232,155	\$1,303,050
FDOT v. GBY/Rizk	Suncoast Parkway Pasco County, Florida	\$623,500	\$1,350,000

Client and/or Style of Case	Type of Condemnation	Offer	Final Award
FDOT v. American Capitol	Curlew Road Pinellas County, Florida	\$269,500	\$1,025,000
FDOT v. Profundo (Cheval)	Suncoast Parkway Hillsborough County, Florida Inverse Condemnation	\$2,375,000	\$9,962,000
FDOT v. Cope	Suncoast Parkway Hernando County, Florida	\$97,700	\$540,000
FDOT v. Shannon	Tobacco Road Realignment Hillsborough County, Florida	\$523,000	\$1,135,000
City of Largo v. Konstantatos/ Largo Glass	West Bay Drive Expansion Pinellas County, Florida	\$374,000	\$710,000
FDOT v. Hamilton Engineering & Surveying, Inc.	S.R. 50 Hernando County, Florida	\$79,100	\$1,000,000
FDOT v. Flynt (Bethel Temple)	S.R. 600/Hillsborough Ave. Hillsborough County, Florida	\$411,750	\$1,100,000
FDOT v. Savage, et al.	S.R. 45 Widening Hillsborough County, Florida	\$1,758.69	\$2,600,000
FDOT v. Cannella (Amoco Oil)	Kennedy Blvd. & I-75 Hillsborough County, Florida	\$550,000	\$990,000
FDOT v. Castle Cleaners (SunTrust Bank)	Nova Rd. (S.R. 5A) Volusia County, Florida	\$18,600	\$650,000
FDOT v. Eagle Lake Shopping Center	Cypress Gardens Blvd. Polk County, Florida	\$94,800	\$180,000
FDOT v. Preferred Cars (Smallwood Sign Company)	Lake County, Florida	\$13,400	\$39,000
Central Florida Pipeline Co. v. Corbin	Riverhills Hillsborough County, Florida	\$2,868	\$50,000
Florida Gas Transmission v. Harwell	Plant City, Florida Florida Gas Transmission Line	\$15,525	\$325,000
Florida Gas Transmission v. Swilley	Plant City, Florida Florida Gas Transmission Line	\$34,750	\$185,500
FDOT v. Schoenly & Goodman	Park Road Widening Plant City, Florida	\$214,650	\$590,151
FDOT v. Mad Hatter Utility, Inc.	Pasco County, Florida	\$356,185	\$1,690,220
Florida Gas Transmission v. Salter	Hillsborough County, Florida	\$22,500	\$157,000
Florida Gas Transmission v. Howard	Hillsborough County, Florida	\$18,520	\$156,700
FIND v. Duck Point Groves	Indian River County, Florida	\$2,253,000	\$4,500,000

Client and/or Style of Case	Type of Condemnation	Offer	Final Award
FDOT v. Kennedy (7-11)	S.R. 55 (U.S. 19 & Drew St.) Pinellas County, Florida	\$271,000	\$576,000 + interest
Florida Gas Transmission v. Beaty	Hillsborough County, Florida	\$55,096	\$300,000
OOCEA v. W&F Agrigrowth (W&F Agrigrowth - Fernfield Ltd.)	Orange County, Florida	\$870,400	\$1,075,000
Glen Abbey v. FDOT and City of DeBary	Volusia County, Florida Inverse Condemnation	\$ -0-	\$1,500,000
FDOT v. Ace Educational (Amoco Oil)	S.R. 7 Widening Broward County, Florida	\$124,000	\$850,000
G&D Farms	Gulfstream Natural Gas	\$28,100	\$165,000
HART v. Ligorì, et al.	Hillsborough County, Florida	\$5,329,750	\$9,530,325
Florida Gas Transmission v. Haynsworth	Hillsborough County, Florida	\$23,000	\$750,000
Galligher, Shannon	Gulfstream Natural Gas	\$12,600	\$93,690
Burke, William and Vivian	Hillsborough County Tpa-Hills. County Expwy. Auth.	\$942,000.00	\$1,400,000
Florida Gas Transmission v. Crum	Hillsborough County, Florida	\$326,600	\$570,000
Wilkerson, Sharon	Gulfstream Natural Gas	\$6,300	\$32,500
FDOT v. G&G Foods (Wendy's)	I-4/US 27 Interchange Project Polk County, Florida	\$520,710	\$1,374,750
FDOT v Eagle Lake Shopping Center	US 27 Road Widening Polk County, Florida	\$56,080	\$212,500
FDOT v. Checkers (All Pets Hospital)	SR 54 Road Widening Pasco County, Florida	\$77,100	\$475,000
FDOT v. Burger King	SR 80 Road Widening Palm Beach County, Florida	\$311,050	\$705,000
Walker Groves, Inc.	Gulfstream Natural Gas	\$36,750	\$70,000
Ottesen, Paul	Gulfstream Natural Gas	\$57,600	\$83,290
Toole, Courtney E.	Gulfstream Natural Gas	\$84,370	\$171,000
Woldum, Roar	Gulfstream Natural Gas	\$12,000	36,000
Collins, Rass and Ruth	Gulfstream Natural Gas	\$21,900	\$78,675
Collins, Frank and Betty	Gulfstream Natural Gas	\$13,500	\$45,750
Polk Nursery Inc.	Gulfstream Natural Gas	\$322,740	\$500,000
Gerald, Joseph	Gulfstream Natural Gas	\$32,000	\$47,000
Allen & Sons, Inc.	Gulfstream Natural Gas	\$590,000	\$790,000
Guenthardt, Alvin and Rosella	Gulfstream Natural Gas	\$4,400	\$29,000
Mincey, Richard	Gulfstream Natural Gas	\$4,400	\$18,000
Burch, Dan	Gulfstream Natural Gas	\$16,415	\$42,000

Client and/or Style of Case	Type of Condemnation	Offer	Final Award
Confidential Client	Confidential Condemnor Pipeline Easement	\$555,678	\$6,000,000
Walker, Felton	Gulfstream Natural Gas	\$31,606	\$250,000
Confidential Client	Confidential Condemnor Pipeline Easement	\$147,240	\$868,418
Madonia, Batista & Evelyn	Gulfstream Natural Gas	\$41,695	\$400,000
Sharrett, Ralph	Gulfstream Natural Gas Polk County, Florida	\$174,000	\$527,500
FDOT v CSX	SR 54 Road Widening Pasco County, Florida	\$848,240	\$1,520,000
FDOT v. South Branch Ranch	SR 54 Road Widening Pasco County, Florida	\$3,427,300	\$6,500,000
FDOT v. JAA&F	Southern Blvd.Road Widening Palm Beach County, Florida	\$281,220	\$996,795
Tampa Bay Water v. Cargill	Water Pipeline Hillsborough County, Florida	\$22,100	\$425,000 + non-monetary benefit
Confidential Client	Confidential Condemnor Pipeline Easement	\$69,072	\$ 611,650
Confidential Client	Confidential Condemnor Pipeline Easement	\$380,693	\$1,975,000
Tampa Bay Water v. Porvenir (Ferman Motor Car Company)	Water Pipeline Hillsborough County, Florida	\$201,050	\$525,000
Tampa Bay Water v. White (Cargill)	Water Pipeline Hillsborough County, Florida	\$343,800	\$595,000
FDOT v Brocato's Sandwich Shop	I-4 Road Widening Hillsborough County, Florida	\$460,650	\$850,000
Confidential Client	Confidential Condemnor Recovery of Mineral Rights	\$-0-	\$8,500,000
FDOT v. VIK Limited	US 98 Road Widening/ Thomas Drive Flyover Bay County, Florida	\$420,150	\$2,000,000
FDOT v. Beachwalk Centre	US 98 Road Widening/ Thomas Drive Flyover Bay County, Florida	\$790,268	\$3,500,000