

Eminent Domain

Public projects often require the assembly of significant tracts of land. The more ambitious the project, the more likely it is that municipalities and utilities will need to invoke their powers of eminent domain to acquire private property for public use.

Eminent domain is necessary for the modern infrastructure requirements of our society. The nation's electric grid, natural gas and petroleum pipelines, interstate highway system, local roads, and sewers and water mains all require the power of eminent domain to operate successfully. These critical public projects can also increase employment and improve our economy.

Zausmer is proud to be a driving force in connecting the Motor City and surrounding communities. We keep the automotive industry moving through our work with Road Commissions for right-of-ways and various road projects throughout the state benefiting commuters, travel, and the trucking industry. We also help to keep the lights on and water running for millions of Michigan residents through our work with numerous utilities.

As a trusted advisor to numerous government agencies and utilities, we are frequently involved in:

- Title research and investigation
- Preliminary negotiations and litigation avoidance
- Institution of formal condemnation actions
- Determination of property rights and just compensation
- Trial and appellate proceedings

Over the past three decades, Zausmer has been a part of virtually every major public project in Michigan. From the Cobo Hall expansion to the new Gordie Howe International Bridge, we have been integrally involved in the land acquisition for projects that have reshaped our state. Our experience also includes acquisitions for the Fox Theater District, the City Airport expansion, the Veterans Administration Hospital, the Detroit Metro Airport runway expansions, and the Pinnacle Aeropark Project.

Although many of our eminent domain matters are in the metropolitan Detroit area, our practice isn't limited to southeastern Michigan. For example, we represent ITC Holdings, Inc. and its subsidiaries—the country's largest independent transmission company—in acquiring easements for the construction of new electric transmission lines delivering power to cities and rural areas across Michigan. Our work for ITC has included acquisitions throughout the state, from Metro Detroit to the Thumb to Kalamazoo.

We have also represented DTE Gas in the construction of new natural gas pipelines in northern Michigan, expanding its ability to safely deliver natural gas to 1.3 million residential and commercial customers. Additionally, Zausmer has obtained the property rights needed for various infrastructure improvements for the Great Lakes Water Authority, the regional authority dedicated to efficiently delivering the nation's best water and wastewater services to 3.8 million Southeast

Zausmer attorneys are also noted authorities in the eminent domain field, regularly speaking to acquisition professionals at industry events across the country and internationally, including the International Right of Way Association's International Education Conferences, the County Road Association Legal Symposium, the Michigan Society of Professional Surveyors' Annual Meeting, and the Institute of Continuing Legal Education.



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No law firm in Michigan possesses the experience of Zausmer in this important area of the law. We have been on the winning side of numerous published court decisions and legislative changes that have helped shape eminent domain law in Michigan. Under the leadership of Managing Shareholder Mark Zausmer—who wrote the book on eminent domain in Michigan as a principal draftsman of the Uniform Condemnation Procedures Act—our attorneys continue to achieve outstanding results both in the field and in the courtroom.

Other examples of our work include:

Gordie Howe International Bridge

Zausmer is an integral part of Michigan's land acquisition team for this new international crossing, which required the acquisition of over 600 parcels covering over 160 acres in southwest Detroit. Zausmer successfully defended the project against numerous necessity and constitutional challenges brought by a variety of property owners in the Wayne County Circuit Court, the Michigan Court of Claims, and Michigan appellate courts.

Thumb Loop Transmission Line

Working closely with ITC's land acquisition team, we acquired more than 100 easements, coordinated with Right-of-Way. Our attorneys led ITC's land acquisition team in acquiring more than 500 easements for the Thumb Loop project, a 140 mile-long electric transmission line connecting the Thumb region's wind farms to the state's electric grid. Our work included coordinating with Right-of-Way Agents on the voluntary acquisition of hundreds of easements, as well as litigating over 100 condemnation lawsuits to secure necessary property rights.

Wayne County v. Britton Trust

Our team succeeded in persuading the Michigan Supreme Court that the law of personal property and fixtures lacked necessary clarity. The Court's unanimous decision overruled decades of prior precedent, invalidated multiple standard jury instructions, and resulted in millions of dollars in savings to municipalities in eminent domain matters.



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