

The government has the inherent power to take privately owned land and convert it to public use. This power is called eminent domain, and when the government uses this power to take privately owned land, it is called condemnation. While the government has the right of eminent domain, it also has a duty to provide “just compensation” to the owners of the condemned property. The [1. lawyers at Ross, Melton, Denosky & Balcezak, P.C.](#), have extensive knowledge and experience working with individuals, businesses, homeowners, and small business owners who have had their property taken through eminent domain pursue fair appraisals and fair compensation for their land. If you are facing a condemnation proceeding, do not become a victim of eminent domain abuse. You need a lawyer!

[Contact one of our eminent domain attorneys](#) today. **Experienced**

**Condemnation / Eminent Domain Attorneys Make a Difference** It is not uncommon for individuals and businesses, both large and small, to receive letters in the mail informing them that the state needs their land for a “public use” such as a highway development project. While the state may have the power to take your property, it does not have the power to make you accept an unfair price for your land. Ideally, before the surveyor comes and before the state formalizes a dollar amount offer, you should [contact one of the experienced condemnation attorneys](#) at the Austin, Texas, based law offices of [Ross, Melton, Denosky & Balcezak, P.C.](#) **Advocates on Behalf of Business Owners and Other Property Owners** Our condemnation attorneys understand the perspective of real estate property owners. We share the outrage of businessmen and businesswomen who are faced with the forced sale of land on which they have spent a lifetime – and sometimes generations of the same family – building value. We are zealous advocates, experienced trial lawyers, and talented negotiators in practice to defend the rights of business owners, homeowners, [accident victims](#), [wronged employees](#), and other targets of injustice. We are skilled negotiators who understand how to investigate, prepare, and present your case. We always

look out for our clients' best interests and use our knowledge, experience and reputation to negotiate for the best resolutions we can obtain. If a case can't be settled, we stand ready, willing and eminently able to take it to trial. Fill out our consultation form for a free initial evaluation. If you have a matter that has a deadline and requires an urgent response, call us immediately at 1-800-634-8042 or 512-474-7677. Please be aware that sending an instant message or e-mail and/or receipt of a response does not create an Attorney-Client relationship or constitute the formation of a contract. No obligation is created on the part of the sender or the recipient. A contract of representation can only be created by signature of an Attorney-Client Agreement.

On Tuesday, Aug. 16, Texas lawmakers guaranteed private property owners state-level protection from eminent domain for private profit — an action that Texas REALTORS® avidly supported. The Texas Senate officially accepted House amendments to SB 7, which restricts local governments from using their eminent domain authority to take privately owned properties for the purpose of turning them over to retail, industrial, or residential developers.

1. The Texas House of Representatives added amendments to SB 7, clarifying intent and strengthening the bill, to help protect individuals from egregious abuses of eminent domain. Gov. Rick Perry swiftly signed the bill into law.

June's decision by the Supreme Court in *Kelo vs. City of New London* expanded the powers of local governments granting them the right to seize homes, small businesses, churches, and other property, and replace them with anything that brings in higher tax revenues. Widespread and nearly unanimous public outrage sparked a grassroots uprising across Texas. Private property advocate groups, including the Texas Association of REALTORS®, asked Gov. Perry to add the issue to the current legislative agenda. "Texans across the state mobilized, and Gov. Perry responded swiftly," said Lance Lacy, chairman of the 80,000-member Texas Association of REALTORS®. "The right to own and use real property is a bedrock principle for Texans and the Texas Association of REALTORS®. We are pleased that our political leaders defended our private property rights." Texas is the third state in two months to pass a law prohibiting local governments from using the power of eminent domain to increase tax revenues. Lawmakers in at least 31 states have introduced or plan to introduce eminent domain legislation in future sessions.

Federal lawmakers have also moved to restrict the use of eminent domain. Texas Sen. John Cornyn and Wisconsin Rep. James Sensenbrenner Jr., introduced legislation in Congress that would prohibit federal funding for

*projects involving aggressive seizures of private property for economic purposes. Texas Rep. Henry Bonilla is also pressing for withholding federal assistance for development from local municipalities that abuse eminent domain.*

*As a group, Texas REALTORS® support public policies that preserve and protect the rights of private property owners in Texas.*

## *Eminent domain battle shaping up at Padre Island*

1. By LYNN BREZOSKY Associated Press

*SOUTH PADRE ISLAND - Willacy County officials think good things could at long last happen for their remote corner of Texas - if only they could overcome the 9.5-mile bay that separates the mainland from their section of Padre Island.*

*A few years ago they bought a so-called ferry - a 40-year-old amphibious vehicle that initially failed to pass government safety standards. Now they just need a place to land it.*

*But the section of Padre Island the county wants is owned by the Nature Conservancy, and the environmental group says it's not for sale.*

*So the county commissioners voted in November to use eminent domain to seize the land, angering conservancy members who fear an influx of beachgoers will threaten wildlife on the 1,500-acre section of island.*

*Eminent domain gives governments the power to take private land for public use - usually for projects such as highways or mass transit systems.*

*Texas was one of at least 31 states to review eminent domain laws following a U.S. Supreme Court ruling last year that backed governments' power to take private land for economic development as a way to increase tax revenue.*

*Gov. Rick Perry signed a bill into law last fall that limited eminent domain use in Texas, saying government should not encroach upon private property rights unless there is an eminent public need. "Eminent domain for private use is a great threat," he said.*

*County Attorney Juan Angel Guerra said the county can legally take the land, since it will allow the public better access to the island. Currently, visitors must drive 25 miles up the coast from South Padre Island to reach it. The Conservancy vows to fight the land grab in court.*

*Willacy is a financially foundering county on the northeast end of the Rio*

Grande Valley, about 40 miles from the Texas-Mexico border. It has fewer than 18,000 people, and no real industry since fruit-packing sheds and clothing factories closed decades ago.

The bright spot is Port Mansfield, a popular, semi-tropical gateway to what's considered some of the best sport-fishing in the country, stretching from the Gulf of Mexico through the Laguna Madre Bay. But the bay waters off the mainland offer little for beachgoers and swimmers.

"If you don't have access to the island, then what's the purpose for coming here?" Guerra said.

The Willacy County Navigation District bought the "Lark" amphibious vehicle in 2004 because it didn't believe it would ever be able to build a dock. Now, it wants to buy a place to load and unload it so residents and tourists can enjoy the beach.

The land north of the Mansfield Ship Channel is the federally protected Padre Island National Seashore, a wilderness area. That leaves the southern side of the island, where the Conservancy owns its property, known as a haven for rare and endangered species, such as Kemp's ridley sea turtles, piping plovers, and migrating peregrine falcons.

Conservancy representatives said they learned of the county's eminent domain decision through local news reports, and had to request a copy of the meeting minutes to get more details.

"No one at Willacy County has made any attempt whatsoever to contact the Nature Conservancy about this matter," said Carter Smith, the Conservancy's state director. "Candidly, we find that very disquieting."

Smith said the Conservancy talked about selling the land to the county several years ago but decided against it because the county hadn't thought through how it would deal with sanitation issues, law enforcement and other ways to mitigate environmental impacts and protect endangered species.