

NORTH CAROLINA LAWYERS WEEKLY

MARCH 21, 2018 | NCLAWYERSWEEKLY.COM

DOT settles five Union County eminent domain cases for \$1.4M*

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The North Carolina Department of Transportation has paid more than \$1.4 million to settle eminent domain cases with the owners of five buildings in a business park on Independence Boulevard, according to an attorney for the owners.

Jason Campbell of the NC Eminent Domain Law Firm in Durham said the DOT closed the office park's two shared driveways, built a one-way service road past the businesses and elevated Independence Boulevard high above the park as part of the Monroe Bypass toll road construction.

"The property used to have frontage on Independence Boulevard, but now when you're going by it you're 20 feet above the property," Campbell said.

He added that the DOT tried to give the businesses their own driveways, but there wasn't enough space left on the land for delivery trucks to use the driveways properly.

"If a 50-foot truck pulled into the lot it would have left its tail hanging out of the property. That's essentially what the DOT

missed in its appraisals," he said. "It was unbelievable."

The DOT routinely declines to discuss eminent domain settlements.

Campbell represented five of the seven business owners in the park, which he said allowed him to discover that the DOT's appraiser had treated each of the owners differently, despite the fact that they were all in the same office park and their buildings, while they varied in size, were all built at the same time by the same builders.

"There were just different methodologies [for appraising the buildings] on different

days," he added. "The owners of these properties, if they'd settled without hiring an attorney, they would have settled for very different numbers based on very different damages."

Campbell said the other two owners who were not part of the litigation "just never came on board," though he was not exactly sure why.

The five owners who challenged the DOT were initially offered a collective \$534,975, for an average of \$106,995 per property. They settled at mediation for a total of \$1,406,000, for an average of \$281,200 per property.

SETTLEMENT REPORT

EMINENT DOMAIN

Total Amount: \$1,406,000

Total deposit: \$534,975

Case names: DOT v. Juntgen Investments, Inc., DOT v. Gerald Thomas, DOT v. Tripap, DOT v. Carl Von Schummer and DOT v. Marvin Wilson Jr.,

Court: Union County Superior Court

Case No.: 16 CVS 1905

Mediator: Jennifer Brearley of Cary

Date of settlements: Oct. 17, 2017

Attorneys for plaintiff: Martin McCracken and Christine Wright, assistant attorneys general in Raleigh

Attorney for defendants: Jason Campbell of the NC Eminent Domain Law Firm in Durham

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*Each case is unique and must be evaluated on its individual merits. Past results do not guarantee future outcomes.