



## Burke Secures Eminent Domain Jury Verdict for San Gabriel Valley Council of Governments

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### SITUATION

Our client, the San Gabriel Valley Council of Governments, initiated an eminent domain action to acquire a commercial parcel that was needed to construct a grade separation project in the City of Montebello. The project was part of SGVCOG's safety improvements and grade separations at multiple at-grade crossings involving Union Pacific Railroad tracks throughout the San Gabriel Valley. These projects function to reduce crossing collisions, queuing, congestion, and vehicle emissions.

### CHALLENGES

As part of the eminent domain action, the owner of the commercial property claimed \$3.5 million in lost business goodwill as a consequence of the eminent domain full fee take. Moreover, the property owner was seeking close to \$2 million for the commercial property. SGVCOG did not believe either of these valuations were supported by the facts.

### PROCESS

Burke Eminent Domain Practice Group attorneys Alan Sozio and Chad Herrington engaged in aggressive discovery regarding the basis for the property owners goodwill claim and valuation of the condemned property. They filed a legal issues motion with the court seeking to eliminate the goodwill claim in its entirety, and multiple motions in limine to exclude irrelevant and prejudicial evidence used by the property owner to arrive at his valuation of the commercial parcel. Immediately prior to trial, SGVCOG made a final offer of \$1,420,000 for the value of the property, while the property owner made a final demand of \$3,000,000.

(PRACTICE AREA)  
Eminent Domain