

TRADITIONAL EMINENT DOMAIN VS. QUICK-TAKE

	Eminent Domain	Quick-Take
What is it?	The power to take private property for public use	The power to take immediate possession of property for right of way
What must be shown to take property?	The use is authorized by law and the taking is necessary to such use	The use is authorized by law and the taking is necessary to such use
What steps are taken to acquire the property?	Determine there is a need for the project and a right of way is necessary	Determine there is a need for the project and a right of way is necessary
	Conduct design for the project and determine which particular properties are necessary	Conduct design for the project and determine which particular properties are necessary
	Contact landowner and schedule a date for an appraisal	Contact landowner and schedule a date for an appraisal
	Conduct appraisal on property	Conduct appraisal on property
	Establish the amount believed to be just compensation, which shall not be less than the appraised amount	Establish the amount believed to be just compensation, which shall not be less than the appraised amount
	Conduct informal negotiations with the landowner and make written offer to purchase property	Conduct informal negotiations with the landowner and make written offer to purchase property
	Condemnor and landowner agree on award of compensation or litigation becomes necessary	Condemnor and landowner agree on award of compensation or litigation becomes necessary
	Timing of Access to Property	Condemnor may take possession and use of property after judgment entered and compensation paid to the landowner or into court

What steps are taken in litigation?	Landowner may challenge the authority of the condemnor to exercise the power of eminent domain or the necessity of the taking	Landowner may challenge the authority of the condemnor to exercise the power of eminent domain or the necessity of the taking
	Date of taking determined by court	Date of taking is the date the offer was deposited in court
	Jury or judge determines the amount of just compensation to be paid to the landowner	Jury or judge determines the amount of just compensation to be paid to the landowner
	District court may award attorney fees to the landowner for all judicial proceedings	District court may award attorney fees to the landowner for all judicial proceedings
	Judgment entered	Judgment entered
Payment	Landowner receives payment within 30 days after judgment entered	Landowner has right to receive payment after amount deposited with court before trial
Right of Appeal	Landowner has right to appeal to the North Dakota Supreme Court	Landowner has right to appeal to the North Dakota Supreme Court
Summary of Property Owner's Rights	Negotiate with the condemnor before condemnation proceedings begin	Negotiate with the condemnor before condemnation proceedings begin
	Receive a copy of the appraisal or a written statement and summary showing the basis of the condemnor's offer	Receive a copy of the appraisal or a written statement and summary showing the basis of the condemnor's offer
	Request and receive a list of neighboring landowners to whom offers have been made	Request and receive a list of neighboring landowners to whom offers have been made
	Ask a judge to decide whether the property is necessary for the project	Ask a judge to decide whether the property is necessary for the project
	Have a judge/jury determine the amount of just compensation	Have a judge/jury determine the amount of just compensation
	Appeal a decision regarding public use, necessity, or just compensation	Appeal a decision regarding public use, necessity, or just compensation
	Ask for reimbursement of attorney's fees and costs	Ask for reimbursement of attorney's fees and costs