



PHP Pipeline: Know Your Rights

WHAT CAN YOU DO TO STOP THE KM PHP FROM COMING THROUGH YOUR PROPERTY?

- 1) It is important to consult with legal counsel before committing to anything
- 2) Ask your neighbors to inquire if they have received a notice or offer
- 3) Form a coalition (See www.treadcoalition.org)
- 4) Learn about the Eminent Domain Process



Texas Real Estate Advocacy & Defense Coalition

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THE STEPS OF THE EMINENT DOMAIN/ CONDEMNATION PROCESS

- 1) **The letter:** A landowner receives a letter from the entity taking your property. The initial offer letter may give a 30-day arbitrary deadline, but the law entitles landowners to receive a written appraisal. It also requires a final offer letter from the condemning authority before it files a lawsuit. At this point, the landowner has plenty of time to review the documents and consult with an attorney before making a decision about accepting an offer.
- 2) **Negotiating your terms & compensation:** At this point --- both the terms of an easement (allowing access on the landowner's property for the project), and the "bona fide offer" by the condemning authority are negotiable. The process could end here if negotiations are successful. However, if the condemning authority has already sent the landowner a final offer letter and a written appraisal, and negotiations have failed, the condemning agency will file suit against the owner of the property. A Special Commissioners' court date may then be scheduled.
- 3) **The Special Commissioners' Court:** The role of the Special Commissioner's Court is to "assess damages" for the property being condemned according to the evidence presented at the hearing by the condemnor and the landowner, and to award a dollar amount to the landowner for damages. During this time, continued negotiations on behalf of the landowner may continue & settlement may occur.