

REAL ESTATE, LAND USE/EMINENT DOMAIN [Real Estate](#) [Land Use & Zoning](#) [Eminent Domain](#)

Real Estate

We have considerable experience handling disputes related to commercial real estate, including quiet title actions, commission and fee claims, enforcement of sale contracts, condemnation, commercial landlord-tenant matters, and title insurance claims. Our representation includes prosecution and defense of such actions on behalf of owners, developers, lenders, landlords, tenants, insurers, and brokers.

Our attorneys strive to remove barriers to the purchase, sale, or lease of properties by our clients. We also facilitate the successful development of residential, retail, and industrial projects such as subdivisions, shopping centers, and manufacturing facilities.

Representative Cases:

- Defended regional brokerage firm and its president against commission-related claims by former broker, including fraud and unfair trade practices claims. Obtained dismissal or jury verdict in favor of clients on all issues.
- Represented tenant in enforcement of rights against landlord related to replacement of mechanical systems at industrial facility. Obtained arbitration award in favor of client.
- Litigated and tried issues of property valuation for owners in condemnation, title insurance, and property damage cases.
- Defended seller of significant state landmark against commission-related claims by listing agent, including bad faith and unfair trade practices.
- Pursued quiet title action and obtained favorable judgment against multiple entities including state department of transportation and national railroad in order to permit construction of subdivision by client.
- Enforced owners' right to maintain perimeter fencing under their restrictive covenants by obtaining preliminary and permanent injunctions against their HOA's attempts to assert fines and foreclose liens against the property.

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REAL ESTATE, LAND USE/EMINENT DOMAIN**Land Use & Zoning**

The firm has significant experience in pre-litigation counseling and in litigating matters involving local government planning, zoning, and related land use and development regulations. Clients have included not only property owners and developers but also units of local government themselves. The attorneys who have handled such matters work closely with the firm's environmental and real estate practice groups and have a good working familiarity with the environmental and real estate issues that are frequently embedded in litigation involving land use regulations.

Some selected recent cases include:

- *Centex Homes, Inc., et al. v. Town of Cary*. The firm represented a group of residential builders and developers in a suit to block a water connection moratorium declared by the Town of Cary and to establish the plaintiffs' vested rights to connect.
- *Morrison et al. v. City of Concord*. The firm represented a property owner and a developer located in an incorporated area who were being required to comply with the zoning and planning codes of a nearby municipality as a condition of obtaining municipal water and sewer service.
- *Plyler et al. v. Village of Wesley Chapel*. The firm represented a group of property owners challenging the validity of the municipality's attempt to exercise extraterritorial planning and zoning jurisdiction under North Carolina statutes. The firm obtained summary judgment in favor of the property owners.
- *United States v. City of Charlotte*. The firm defended the city's use of zoning ordinances applicable to group homes and congregate living facilities against challenge by the United States Department of Justice under the Fair Housing Act and the Americans with Disabilities Act.
- *Mom 'N Pops, Inc. v. City of Charlotte*. The firm represented the city in defense of a First Amendment challenge to the city's zoning ordinances governing the placement of adult entertainment establishments.

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- *Ehle et al. v. City of Rock Hill and Rock Hill Zoning Board of Adjustment*. The firm defended the city in two challenges against the city's zoning ordinances relative to so-called "video poker" machines under the South Carolina and federal constitutions.
- *Longview South v. Union County*. The firm represented property owners in a challenge, based on a violation of Open Meeting Laws, of the Village of Marvin's attempt to exercise extraterritorial-zoning jurisdiction.
- *IB Development v. Town of Weddington*. The firm represented property owners in connection with an application for a conditional use permit for an onsite wastewater treatment plant to process reclaimed water for onsite residential irrigation.
- *City of Asheville v. State of North Carolina*. The firm represents the City of Asheville in a constitutional challenge to two local bills that limit the operations of the Asheville water system outside its city limits and control the use of revenues from the water system. This case is currently pending before the North Carolina Supreme court.

The firm has also been involved in numerous successful challenges to municipal annexation attempts under North Carolina's annexation statutes, and regularly successfully advocates for clients in obtaining favorable re-zonings of their property. In addition, the firm has assisted its clients in securing the necessary land use approvals for landfills, asphalt plants, and power plants.

Eminent Domain

Our attorneys provide counsel to property owners and condemnors in negotiations and contested takings of real estate, rights-of-way, easements and other property rights.