

WE ARE HERE  
TO HELP YOU

**STRATTON**  
EMINENT DOMAIN LAW, PLLC

Stratton Eminent Domain Law represents a wide variety of private property owners and business owners like yourself — from one end of Florida to the other.

We fight to protect the rights of property owners and business owners against governments at the federal, state, county, and local levels, as well as against community development districts (CDDs), railroads, utilities, and other authorities with the power to take property through eminent domain.

Our attorneys have defended the property rights of numerous developers, national retail, food, and lodging chains, educational institutions, small business owners, churches, and homeowners, as well as the rights of other property owners throughout Florida. The following are some of our most well-known eminent domain clients:

- Bed, Bath & Beyond
  - Borders
  - Checkers
  - Chili's
  - Consolidated Burger  
(statewide Burger King franchisee)
  - Darryl's Restaurants
  - Hampton Inn
  - Holiday Inn
  - Jiffy Lube
  - KFC
  - Motel 6
  - Nova Southeastern University
  - Payless ShoeSource
  - Pep Boys
  - Pizza Hut
  - Red Roof Inn
  - Ryan's Family Steakhouse
  - Super-Lube
  - Taco Bell
  - Wells Fargo  
(Formerly Wachovia Bank and  
First Union National Bank)
  - Wendy's
  - Woody's Bar-B-Q
- as well as many independent gas station operators across Florida

Your rights are no less important, and you deserve the best representation possible. Condemning authorities often take advantage of people who feel that they cannot fight back. You may already have been contacted by relentless right-of-way agents working for a condemning authority who will say or do anything to get you to sell your property at a price the condemnor has set.

But you are entitled to **full compensation** — and to get help **at no cost to you** in order to achieve it.

We want to protect your rights and see to it that you get the full compensation you are owed for property that is taken from you and for damage caused to your business as a result of eminent domain. **Our representation comes at no cost to you** — your constitutional rights include having all of your legal fees and costs paid for in this matter by the authority taking the property. Not only are you entitled to legal assistance, but the condemnor must also pay for you to get your own surveyor, engineer, arborist, appraiser, accountants, and other experts so as to put on the strongest case for the most compensation.

You will have no out-of-pocket expenses, you do not need to pay a retainer or advance fee, and the full compensation you receive for your property and business damages will not be reduced by the expenses of defending your constitutional and legal rights.

***You have nothing to lose and may have everything to gain by hiring experienced lawyers to help you in this important matter. Please contact us today!***

851 EAST PARK AVENUE, TALLAHASSEE, FL 32301 | 448-206-1601 | WWW.STRATTONFIRM.COM

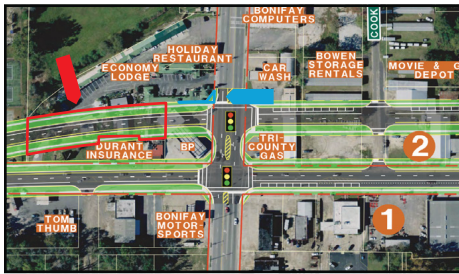
ADVERTISEMENT

# HOW TO READ THE ENCLOSED MAPS

**STRATTON**  
EMINENT DOMAIN LAW, PLLC

Prominently included in the materials we have sent to you is a map, or a set of maps, which indicate what property may be taken by the condemnor so that you can see how a taking would affect your property and/or business. For the greatest accuracy, we use maps obtained directly from the government entities or utilities that plan to acquire the property in question. This way, you have the best information available. If there are several alternative plans being considered, we will send you copies of each alternative affecting you, but in the end only one can be built. The only information we add is to clarify what the maps show.

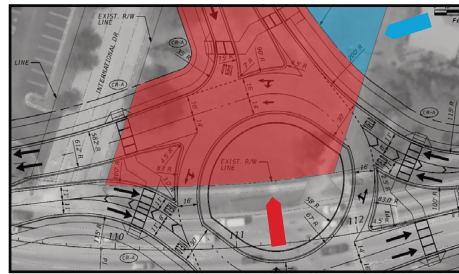
These maps are often made by and are intended for engineers and surveyors and can be difficult to understand. To assist you, we have prepared this concise guide.



Preliminary concepts for infrastructure projects are often overlaid on aerial maps and may be drawn to both blend in with the aerial map (such as gray pavement and green landscaping) and with vivid colors and captions to show changes and existing landmarks.

Sometimes, multiple alternatives are shown side-by-side or using insets, even though only one of the alternatives will be built.

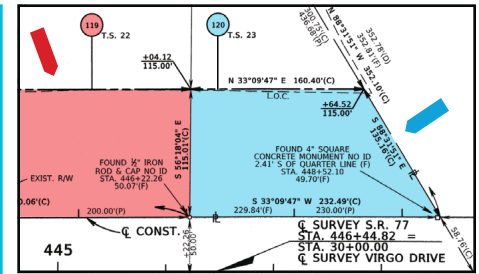
Depending on the design of the map, we may outline or tint the areas relevant to you. We will also use adhesive flags to mark the relevant areas more prominently.



Construction plans for infrastructure projects show the proposed construction in great detail, and may or may not be overlaid on an aerial map or a line diagram of some of the existing conditions. However, they often do not show the property lines dividing your property from your neighbors' property.

The construction plans may or may not be final but are usually more refined than early concepts.

We will tint the areas relevant to you and use adhesive flags to mark the relevant areas more prominently.



Right-of-way maps show the existing and proposed new property lines in great detail but typically do not include an aerial map or other landmarks, nor do they include the proposed construction project. Thus, while this type of map shows the greatest detail as to what property may need to be taken, it can be difficult to read and understand.

We will tint the areas relevant to you and will also use adhesive flags to mark the relevant areas more prominently. We will also mark the parcel numbers the condemnor has assigned if not within the property boundary.

In each case red markings and flags generally indicate a permanent taking, while other colors such as orange, green, and blue are used to indicate different types of takings, such as permanent or temporary easements. We are happy to discuss the proposed project, the enclosed maps, what it means for you, your property, and business, and how to get full compensation at no cost to you. Contact us today!

## **WHAT CAN I EXPECT TO OCCUR?**

First, the condemnor must appraise the property. It must give notice that its appraiser will inspect the property. You have the right to be present at the appraisal inspection, and to have lawyers present. The appraiser will send a report to the condemnor; you may also have a right to a copy of the report.

The condemnor must make an offer based on the appraisal to buy the property. If you are the owner and think their offer is too low, you can refuse to sell.

The next step is for the condemnor to go to court to use the power of eminent domain to take the property. The condemnor must prove to a judge that it has the right to do so. If it succeeds, the judge will only allow the taking if the condemnor deposits an amount of money with the court. The owner of the property is entitled to take that money as soon as it is deposited (subject to the claims of tax collectors, mortgage lenders, lien holders, and co-owners) as a sort of down payment for the property. If you are the owner, accepting the money does not mean that you agree to that amount and does not harm your case or keep you from getting more.

Now it's your turn: You, your lawyers, and other members of your legal team, such as appraisers, accountants, arborists, engineers, and land planners — all paid for by the condemnor on your behalf — will work to determine the true value of the property and the right amount of compensation you are owed. The defense team will work with you to ensure you have a strong case.

Armed with this information, you and your lawyers can negotiate with the condemnor, either informally or through formal mediation. The expenses are paid by the condemnor. Most eminent domain cases are resolved this way.

If the case is not settled through an agreement, you can go to court and a jury of twelve people will decide how much compensation you will get. Legal fees and costs are paid separately and in addition to your compensation.

## **WHAT ABOUT HARM TO MY BUSINESS?**

If the taking will harm your business, and your business is eligible under Florida law, compensation for business damages is available even if you are a renter. The law is not as protective of businesses as it is of land so many conditions apply. Lawyers who are experienced and knowledgeable about eminent domain law can tell you if your business is eligible.

If your business is eligible, you must take the first step, by preparing and filing a claim for compensation within an appropriate time period. We routinely work with skilled experts who can help prepare your claim at no cost to you. It is often helpful to begin planning as early as possible.

Once you submit a claim, the condemnor can make a counteroffer. As with property, the claim can be resolved by negotiation, mediation, or trial.

## **WHAT IF MY CASE GOES TO TRIAL?**

Eminent domain trials usually last three to five days. Twelve-person juries determine awards.

The condemnor goes first with regard to property value, while the property owner and/or business owner go first with regard to damage to the remaining property and business damages, if applicable. Each side presents evidence and expert testimony as to the issues at stake.

The jury will decide how much you are owed based on the evidence and testimony presented. The court will generally see that you are paid within 30 to 60 days after the trial. Appeals may be possible.

## **WHAT IS FULL COMPENSATION?**

- The market value of property taken.
- The cost of any damage to the remaining property and the cost to reduce that damage.
- Damage or destruction of your business.
- Cost to relocate your home or business.
- Engineering, drainage, and access issues you and the condemnor can agree to change.

## **WHAT IS “EMINENT DOMAIN”?**

Eminent domain is the power to take private property for a public purpose against the will of the property owner.

Eminent domain is also called “condemnation,” and the entity taking the property is also called a “condemnor” or “condemning authority.” Condemnors are usually a part of the government or are utility companies.

## **HOW CAN I POSSIBLY FIGHT BACK?**

Condemnors can take property but you still have important rights under the law that you can protect yourself with:

### **You have the right to hire lawyers of your choice.**

You do not need to fight eminent domain alone. Lawyers who are experienced and knowledgeable about eminent domain law can help you.

### **You have the right to insist on full compensation for your property and/or for damage to your business.**

Condemnors often make low or unfair offers when they take property, adding insult to injury. You can demand more! Depending on the circumstances, you may also have the right to be paid for damage to your remaining property and for damage caused to your business by the taking.

### **It costs you nothing to fight: You have the right to have your legal expenses paid by the condemnor without any reduction in your compensation.**

Under Florida law, you have the right to make the condemnor pay your legal fees and costs in eminent domain cases, *separately and in addition to* your compensation.

### **You have nothing to lose, and you may have everything to gain by fighting back. There is no reason not to hire lawyers to protect your property rights.**

## **WHAT DO I NEED TO KNOW TO BEGIN?**

### **First, know your rights!**

You can research the law yourself, but we recommend that you seek the advice and assistance of lawyers who are experienced and knowledgeable about eminent domain law and who are willing to go all the way to trial, if necessary. Hiring lawyers will not cost you anything and may help your case substantially.

### **Second, understand the reason for the taking, and what effect it will have on you:**

- Why is the property being taken?
- How much property is being taken?
- If only some property is being taken, which part?
- How does the taking affect any remaining property and/or your business?
- Could a change to the taking or to the construction plans help you?
- Has the condemnor considered any alternatives?

Lawyers who are experienced and knowledgeable about eminent domain law can help you find the answers to these questions and more.

## **WHO CAN TAKE PROPERTY?**

Generally, all levels of government — federal, state, and local — can take property through eminent domain, as well as some utility companies. But the law limits their use of eminent domain to protect people like yourself.

## **WHY CAN PROPERTY BE TAKEN?**

Condemnors are only allowed to take property when there is a public purpose, such as to build roads, bridges, schools, and parks, or to build utility infrastructure. Condemnors must also prove to a judge that the property they wish to take is necessary for that public purpose.

Some notable examples of Mr. Stratton’s work defending clients’ property rights include:

From 2021 to 2024, FDOT repeatedly attempted to take property from Nova Southeastern University’s (“NSU”) satellite campus in Palm Beach County. Mr. Stratton seized on a technical defect in FDOT’s first case in 2021 to spur the Department to dismiss its own suit as unwinnable. In 2022, FDOT refiled its case, but failed to address certain prerequisites to filing, prompting it to again dismiss their own suit. In 2023, FDOT filed the same case for a third time, and facing a fresh round of attacks on their right to take the property, finally agreed to the settlement terms that NSU had proposed from the beginning.

In 2022, FDOT attempted to take property from a private owner in Okaloosa County. Twice, Mr. Stratton stopped the Department from taking the land and improvements, ultimately compelling FDOT to agree to pay 100% of the owner’s demand of \$1,930,000 for the property.

In 2020, Gulf Power (now part of Florida Power and Light) attempted to take an easement through an owner-occupied residential property for the installation of a massive natural gas pipeline being used to fuel the regional power plant. Mr. Stratton’s arguments resulted in the Court denying the utility company the right to take the land without refiled its lawsuit, thus delaying its pipeline project. This put the property owner in a position to forgive the legal defect and allow Gulf Power to proceed on schedule in exchange for more favorable terms.

In 2017, Mr. Stratton briefed and argued an appeal before the Florida First District Court of Appeal to overturn a property taking of vacant land in Washington County. The appellate court agreed that the taking was unlawful and returned the property to its rightful owner. The owner was then able to achieve her “dream number” of compensation from FDOT, which had already begun construction on the site. Reversals of condemnations on appeal are exceedingly rare in Florida.

Mr. Stratton has had a wide variety of other successes on behalf of his clients, including:

In 2024, on the first day of a trial in which the property owner intended to testify as to the value of his property, Okaloosa County argued six motions before the judge, each meant to undercut the property owner’s right to testify. Property owners have a right to testify as to the value of their property in eminent domain trials, even though the owner may not be an appraiser or other real estate professional. Mr. Stratton argued in favor of his client — the property owner — and was successful in protecting the owner’s right to tell the jury his opinion as to the value of his property. The County decided not to test its luck with the jury and the case settled for an amount of about fifty times the County’s original offer.

In 2016, the Florida Department of Transportation claimed that certain privately-owned property in Broward County was subject to a preexisting state easement that substantially reduced the amount of compensation that was owed. Mr. Stratton helped bring new evidence to light which established that according to the state’s own maps, the easement was not located on the property, but was in fact two blocks away. As a result, the Department was compelled to more than double its offer to Mr. Stratton’s client, the property owner. The sizable increase in the Department’s offer was sufficient to cause the case to settle on the eve of trial.

Mr. Stratton has been a co-author of *Florida Eminent Domain Practice and Procedure* since its twelfth edition in 2021. Now in its thirteenth edition, with its fourteenth edition forthcoming, this standard reference book published by the Florida Bar is regularly used by lawyers and courts statewide in eminent domain matters.

Before he began exclusively practicing in the field of eminent domain, Mr. Stratton represented major national and global businesses in the technology and financial sectors.

# STRATTON

EMINENT DOMAIN LAW, PLLC

## CONTACT US NOW

Charles and Joshua Stratton are a father-son team with decades of experience, who have obtained full compensation for countless property and business owners like yourself across Florida against a wide variety of condemning authorities.

The property you own or rent may be targeted for condemnation by an authority using the eminent domain power against you. The maps we sent you detail what the authority has in mind for the property.

***You can fight back!*** You can oppose having the property taken against your will. If you go to court and the property is taken or your business is damaged, you can seek full compensation as guaranteed by law. You do not have to accept whatever amount the condemnor offers to you. You may be able to remain on the property until it is actually needed for construction, and you may be able to get relocation assistance from the government to move elsewhere. ***You are entitled to get help for free!***

***The first step in protecting your rights is to hire experienced lawyers to help you.***

***Please contact us now to discuss your case!***

851 EAST PARK AVENUE  
TALLAHASSEE, FL 32301  
448-206-1601 | [WWW.STRATTONFIRM.COM](http://WWW.STRATTONFIRM.COM)

ADVERTISEMENT



# STRATTON

EMINENT DOMAIN LAW, PLLC

# STRATTON

EMINENT DOMAIN LAW, PLLC

## CONTACT US NOW

If your property or business is threatened by eminent domain, please don't wait — contact us now.

We are prepared to help you protect your constitutional right to property, including opposing the taking of your property, preparing your claim for business damages, and ensuring that you receive the full compensation that you are entitled to by law.

*We will gladly represent you at no cost.*

In eminent domain cases, you have a constitutional right to have your legal fees and costs paid for by the condemnor that is taking your property or damaging your business through a taking. We will not ask you to pay fees out of your own pocket. We will not ask you to pay a retainer or advance fee. We will not take a percentage of your compensation as legal fees; we want you to get it all! We will not bill you even if there never is a taking.

*You have nothing to lose and may have everything to gain by hiring experienced lawyers to help you in this important matter.*

*Please contact us now to discuss your case!*

851 EAST PARK AVENUE  
TALLAHASSEE, FL 32301  
448-206-1601 | WWW.STRATTONFIRM.COM

ADVERTISEMENT

850-933-3849  
617-733-1685  
MOBILE

448-206-1601  
OFFICE

**CHARLES & JOSHUA STRATTON**  
PARTNERS

STRATTON EMINENT DOMAIN LAW, PLLC  
851 E. PARK AVE. TALLAHASSEE, FL 32301  
WWW.STRATTONFIRM.COM

CSTRATTON@STRATTONFIRM.COM  
JSTRATTON@STRATTONFIRM.COM



## JOSHUA STRATTON

Joshua Stratton co-founded Stratton Eminent Domain Law with his father, Charles Stratton, continuing a career of representing private property owners, tenants, and business owners against condemning authorities such as the Florida Department of Transportation (“FDOT”), utilities, counties, and cities throughout Florida.

Following ten years of private practice in New England, Mr. Stratton returned to Florida to work with his father, and focused his legal practice on eminent domain. Mr. Stratton has worked at Broad and Cassel, Nelson Mullins, and Berger Singerman prior to co-founding Stratton Eminent Domain Law.

Mr. Stratton has been involved in numerous eminent domain cases throughout Florida, including jury trials and appeals. While most eminent domain cases are resolved through mediation, Mr. Stratton is unafraid to face down a condemner

in a twelve-person jury trial if his client wishes to do so.

Although Mr. Stratton works on clients’ cases from beginning to end as part of a team effort, one area he focuses on is attacking the condemner’s initial move of taking the property at the beginning of the case. While a determined condemner cannot be permanently kept from taking property, making the condemnation difficult can cause condemnors to look for better and easier alternatives. Further, even stopping condemnations temporarily can be of great value to a property owner — not only out of a desire to keep their property out of the hands of the condemner, but because it may provide the owner with useful leverage over the condemner. In some cases, condemnors may even see the writing on the wall and concede without the court even needing to rule that that taking — at least for now — is illegal.

### CONTACT

**Stratton Eminent Domain Law, PLLC**  
851 East Park Avenue  
Tallahassee, FL 32301

[jstratton@strattonfirm.com](mailto:jstratton@strattonfirm.com)

**Office:** 448-206-1601  
**Mobile:** 617-739-1685

### BAR ADMISSIONS

Florida  
Massachusetts

### EDUCATION

LL.M., Intellectual Property, Commerce and Technology  
Franklin Pierce Law Center

### J.D.

Rutgers School of Law

B.A., English and American Literature  
Brandeis University

### PROFESSIONAL AFFILIATIONS

The Florida Bar

The Florida Bar Eminent Domain Committee

Association of Eminent Domain Professionals

his extensive experience and skills as a trial litigator to use for his client.

Notable trials for Mr. Stratton include:

In Okaloosa County, the County offered a property owner \$23,050 to purchase 4½ acres of timberland, and FDOT offered the same owner \$7,900 to purchase another 1½ acres of timberland from the same overall property. The property was to be used for a new interstate highway interchange project and connecting roads. After Mr. Stratton and his team filed an appeal to reverse FDOT's acquisition of 1½ acres, FDOT settled, paying \$530,000 plus fees and costs, and agreeing to change its construction plans in a way that made the owner's remaining land more valuable. Mr. Stratton and his team then had a jury trial against the County. The court made a series of rulings in favor of Mr. Stratton's client, and the County agreed to settle on the second day of trial for \$1,094,125 plus fees and costs.

In St. Lucie County, FDOT attempted to take 1,046 square feet of undeveloped land south of Fort Pierce in exchange for a total payment of \$1,400 to the landowner, a local builder. Even though the judge would not allow the owner's appraiser to testify at trial, Mr. Stratton was able to use the owner's own testimony as to the value of the property to secure a jury verdict of nearly \$250,000 for the taking, plus fees and costs.

Mr. Stratton has achieved excellent results for his clients outside of trial as well:

FDOT took property in Broward County for the purpose of realigning a road. The realignment would require taking land from Mr. Stratton's client, who owned a warehouse on the property. FDOT argued that it should be allowed to demolish the entire warehouse, but Mr. Stratton was able to convince the court to permit FDOT to only demolish the one part it actually needed for the road. Later, when Mr. Stratton's client decided that the warehouse would not be able to function due to the road project, Mr. Stratton worked out a settlement with FDOT that

resulted in FDOT paying to demolish the now-unusable warehouse, paying Mr. Stratton's client several million dollars, and giving Mr. Stratton's client an additional 1.7 acres of prime land next door which was surplus to FDOT's needs but was quite valuable.

Mr. Stratton has also aided clients in obtaining relocation assistance from condemners. Relocation assistance is provided in addition to full compensation and has allowed Mr. Stratton's clients to purchase new homes instead of continuing to rent; to relocate and expand the capabilities of their businesses; and to move their businesses from old premises into new custom-built spaces.

Although it is impossible to promise that any client will obtain the same results, on numerous occasions Mr. Stratton has been able to stop condemners from obtaining court orders allowing them to take property, giving him leverage to negotiate better terms for his clients, or to get his clients more time to prepare for litigation.

Mr. Stratton has represented numerous national and regional businesses affected by eminent domain, including hotels, restaurants, gas stations, and car dealerships. He has also represented many small business owners, mini-storage and boat-storage sites, individual home owners, churches, and owners of valuable vacant property.

Mr. Stratton has been included in "The Best Lawyers in America" from 2007 to 2024. Martindale-Hubbell has rated him an AV Preeminent® attorney, with the agency's highest marks for both his competency and ethics. He has been included by Thompson Reuters on the Florida Super Lawyers lists for 2006 and 2009–2020.

Mr. Stratton has been a co-author of *Florida Eminent Domain Practice and Procedure* since its fourth edition in 1988. Now in its thirteenth edition, with its fourteenth edition forthcoming, this standard reference book published by the Florida Bar is regularly used by lawyers and courts statewide in eminent domain matters.



## CHARLES STRATTON

Charles Stratton co-founded Stratton Eminent Domain Law with his son, Joshua Stratton, continuing his decades of practice solely in the field of eminent domain law.

Before entering private practice and exclusively representing private property owners, tenants, and business owners, Mr. Stratton worked for the Florida Department of Transportation (“FDOT”). He started as a trial attorney for FDOT and was soon promoted, supervising other eminent domain attorneys in two of FDOT’s seven geographical districts. In only a few years, he became FDOT’s chief eminent domain attorney for the entire state of Florida. Mr. Stratton’s experience at FDOT gave him the opportunity to handle thousands of property condemnations across the state and to gain tremendous trial experience.

Upon entering private practice, Mr. Stratton worked for such prominent Florida and national firms as

Brigham Moore, Broad and Cassel, Nelson Mullins, and Berger Singerman. At the latter three firms, he was their lead, or co-lead, eminent domain attorney.

Since he entered private practice, Mr. Stratton has been involved in hundreds of eminent domain cases throughout Florida, and has tried dozens of jury trials and appeals from one end of the state to the other. Rather than work for condemnors, Mr. Stratton focuses his practice on working for property owners, tenants, and business owners, such as yourself.

Mr. Stratton is a Florida Supreme Court-certified mediator. This training gives him great insight into the mediation process which, since its introduction several decades ago, has become the means by which most eminent domain cases are resolved. Of course, it is up to each client to decide whether or not to settle their case or to proceed to a jury trial, and Mr. Stratton is always willing to put

### CONTACT

#### Stratton Eminent

#### Domain Law, PLLC

851 East Park Avenue

Tallahassee, FL 32301

[cstratton@strattonfirm.com](mailto:cstratton@strattonfirm.com)

**Office:** 448-206-1601

**Mobile:** 850-933-3849

### BAR ADMISSIONS

District of Columbia

Florida

### EDUCATION

Juris Doctor

Levin College of Law

University of Florida

Bachelor of Education

University of Miami

### PROFESSIONAL AFFILIATIONS

The Florida Bar

The Florida Bar Eminent

Domain Committee

Association of Eminent

Domain Professionals

### CERTIFICATIONS

Florida Supreme Court

Certified Civil Court

Mediator