

Back in New Mexico!

Eminent Domain

Nuts and Bolts

March 31-April 1, 2008 • Hyatt Regency • Albuquerque

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You, as an eminent domain professional, have to be aware of the implications of your work. You also need day-to-day practice pointers.


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From the basic to the complex, this Conference was designed specifically for you—

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Schedule and Instructor Bios Inside 

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Monday, March 31**Tuesday, April 1**

- 8:30 Registration and Continental Breakfast
- 9:00 **Introduction and Welcome**
Overview of Day One
Anita P. Miller, Esq., Program Co-Chair
Albuquerque
Robert M. White, Esq., City Attorney, Program Co-Chair
Albuquerque
- 9:10 **A Primer on Eminent Domain Law**
Discussion of the Constitutional Basis for Eminent Domain, New Mexico Constitution and Statutory Eminent Domain Provisions; Basic New Mexico Case Law on Eminent Domain: *State v. Silva* and *Recent Santa Teresa Cases*
Bernard P. Metzgar, Esq.
The Law Offices of Clayton Ewing Crowley, Albuquerque
Robert I. Waldman, Esq.
City of Albuquerque Legal Department
- 10:15 **Primer, Continued**
Procedure for Eminent Domain in New Mexico Statutes
Bernard P. Metzgar, Esq., and
Robert Waldman, Esq.
- 12:00 Lunch Break
- 1:15 **How Is Property Valued for Damages?**
"Before and After" Valuation? Lost Profits? Lost Contracts?
Use of Expert Appraisers on Both Sides of the Issue;
Representative New Mexico Cases
Larry N. Brooks, MAI, CRE
Brooks Pearsall Zantow, Albuquerque
- 2:15 Afternoon Break
- 2:30 **What Is Public Use?**
Berman v. Parker, Hawaii Housing Authority v. Midkiff, Kelo v. City of New London
Anita P. Miller, Esq., Program Co-Chair
- 3:30 **The Kelo Hysteria**
Legislative "Fixes" in New Mexico and Nationally
Lora A. Lucero, Esq., AICP
American Planning Association, Albuquerque
Anita P. Miller, Esq., Program Co-Chair
Robert M. White, Esq., City Attorney, Program Co-Chair
- 4:45 Q&A Panel/Summary and Discussion
Members of the Faculty
- 5:00 Adjourn

- 8:30 Continental Breakfast
- 9:00 **Welcome Back**
Overview of Day Two
Anita P. Miller, Esq., Program Co-Chair
Robert M. White, Esq., City Attorney, Program Co-Chair
- 9:15 **The "Rio Rancho" Exception in New Mexico Law**
Eminent Domain as a Tool for Consolidation of Antiquated Subdivision Lots
Steve Tollefson, AICP
Strategic/Special Projects Specialist, Development Services
City of Rio Rancho
Bernard P. Metzgar, Esq.
- 10:15 Morning Break
- 10:30 **Use of Eminent Domain for Metropolitan Redevelopment**
Pros and Cons
Randy Van Vleck, Esq., General Counsel
New Mexico Municipal League, Santa Fe
- 11:30 **"Property Rights" Statutes: Nationally and New Mexico**
Pro and Con: Another Ongoing Debate
Anita P. Miller, Esq., Program Co-Chair
- 12:15 Lunch Break
- 1:30 **How Can State and Local Governments Finance Eminent Domain?**
Revenue Bonds and Other Tools
David Buchholtz, Esq.
Brownstein Hyatt Farber Shreck, Albuquerque
- 2:30 Afternoon Break
- 2:45 **Hypothetical Case: Exercise Utilizing Law Learned**
Moderator: **Anita P. Miller, Esq., Program Co-Chair**
Members of the Faculty and Attendees
- 3:45 **Ethics**
Special Considerations in Eminent Domain
Robert M. White, Esq., City Attorney, Program Co-Chair
Members of the Faculty
- 4:45 Q&A Panel/Summary and Conclusion
Members of the Faculty
- 5:00 Evaluations and Adjourn

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May 1-2, Los Angeles

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May 1-2, Phoenix

Restaurant and Hospitality Law
June 9-10, Denver

Eminent Domain

meet your **instructors**

Program Co-Chairs

Anita P. Miller is a leading land use practitioner who represents New Mexico municipalities and counties on land use, subdivision growth management and environmental matters. She is a member of the Regional Board of the Rocky Mountain Land Use Institute, and she is an Adjunct Professor of land use law at University of New Mexico School of Architecture and Planning and the School of Law. She is the author of *Grassroots Historic Preservation Law*, a recent publication of the New Mexico Historic Preservation Division.

Robert M. White practices land use, redevelopment, zoning, eminent domain and administrative law. He has been president of the New Mexico Municipal Attorneys Association, and he is currently a member of the Board of Directors of the International Municipal Lawyers Association and of the Public Law Section of the State Bar of New Mexico.

Faculty Members

Larry N. Brooks is a real estate appraiser and consultant with over 35 years' experience. He is a former chairman of the New Mexico Real Estate Appraisers Board.

David Buchholtz focuses on government finance law, economic development and state tax incentive law, financial institutions law, government relations, securities law and corporate matters. Additionally, he represents issuers and underwriters in connection with the issuance of government securities. Mr. Buchholtz serves as lead bond counsel to the New Mexico State Board of Finance, the City of Albuquerque, the New Mexico Finance Authority and the University of New Mexico. He counsels private businesses and governments in a variety of matters pertaining to growth, corporate governance affairs, and government relations.

Lora A. Lucero is a land use planner and attorney. She is the Editor of *Planning and Environmental Law*, a monthly publication of the American Planning Association (APA). She also staffs the APA's Amicus Curiae Committee.

Bernard P. Metzgar is of counsel to his firm. He has practiced eminent domain law for over 39 years, representing both condemning authorities and property owners.

Steve Tollefson supervises the Planning Division of the City of Rio Rancho. The Division implements the policy directives of the city government and administration as they relate to the physical, social and economic development of the City. Additionally, the Division maintains, monitors and updates the City's Vision 20/20 Integrated Comprehensive Plan, provides research and analysis on a wide variety of projects, and is responsible for the development of the City's Geographic Information System.

Randy Van Vleck advises municipalities, their officials and employees on various statutory and constitutional issues. He also advocates on behalf of municipalities at the State Legislature. His public service includes employment as an Assistant District Attorney, the Deputy Chief Counsel to the Disciplinary Board of the New Mexico Supreme Court, an Assistant Attorney General for the State of New Mexico, and as City Attorney for the City of Rio Rancho.

Robert I. Waldman is an Assistant City Attorney for the City of Albuquerque. He has represented the City of Albuquerque in eminent domain cases over the past 15 years. He received his law degree from Washington University in St. Louis.

Tell us what you're thinking!

Do you have specific questions or topics you hope to see covered in this program? Contact CLE INTERNATIONAL Program Attorney Heidi Ray, heidi@cle.com.

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Focusing on Core Topics

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