

PUBLIC LAW



Husch Blackwell's Public Law team advises local governments, elected and appointed officials, and businesses on complicated matters of public law. Our law firm draws on our industry experience, skilled advocacy, and political relationships to assist clients with government-related projects and disputes from beginning to end.

Our public law team understands the political complexities of representing the government and those who do business with the government. Our innovative solutions respect those realities while advancing client interests effectively and efficiently.

Case Study

Harris County Sports & Convention Corporation

Harris County—the largest county in Texas and third-largest county in the U.S.—recently embarked on a monumental Climate Action Plan aimed at reducing greenhouse gas emissions by 40% by 2030. A significant step in the plan concerned upgrades to county facilities, including NRG Park, a 350-acre sports and entertainment complex housing NRG Stadium, home of the Houston Rodeo and the NFL's Houston Texans and hosting over 500 events and 5.5 million people annually. The county leases NRG Park to Harris County Sports & Convention Corporation (HCSCC), which operates as NRG Park's landlord. Celebrating its 20th anniversary this year and in need of upgrades to the park's central plant; building automation systems; and controls, water conservation, lighting, and life safety systems, HCSCC

"It's been a true blessing to have the capabilities of Husch Blackwell in times when we've really needed it... I can't tell you how much I've appreciated that because I have seen the fruits of the labor. One of the best things I think we've ever done on this board was bring in the Husch team."

— Tim Fowler,
Director, Papio-
Missouri River
Natural
Resources
District —

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looked to tackle its infrastructure needs while finding the most fiscally and environmentally sustainable solution.

Our guidance to clients in the public law sector includes:

Civil rights litigation

Condemnation representation

Constitutional tort disputes

Easement drafting and negotiation

Election law litigation

Investigations

Municipal financing

Open Meetings Act

Public contracting

Public Information Act

Representative Experience

Counsel for numerous major counties and municipalities on real-estate related matters, including land use, acquisition, permitting, eminent domain, blight, and zoning.

Litigated and resolved multiple eminent domain and property taxation matters on behalf of landowners and taxpayers.

In what a Texas federal judge called "a first of its kind" four-day virtual evidentiary hearing, obtained denial of temporary restraining order and preliminary injunction, alleging Section

1983 and writ of habeas corpus claims against Dallas County Sheriff by class of jail inmates seeking release due to alleged susceptibility to COVID-19.

In suit alleging Section 1983 claims for wrongful death, obtained 12(b)(6) dismissal of deliberate indifference and excessive force claims against four individual Montgomery County Sheriff deputies.

Represented large Texas county in condemnation of manufacturing facility and adjacent buildings for toll road expansion. Defeated mandamus proceedings and secured a settlement for about \$2 million over condemnor's appraisal, less than half of landowner's contended value.

Defeated landowner's right-to-take summary judgment and obtained favorable settlement for large Texas county.

Represented large Texas county in condemnation of parcel for road construction. Successfully defended against right to take challenge and secured jury verdict for a fraction of landowner's appraisal.

Secured favorable settlement in condemnation for toll road expansion.

Represented toll road authority in condemnation of property for expansion and construction of large toll road. After special commissioners issued award in amount of toll road authority's appraisal, obtained settlement of even less than special commissioners' award.

Represented toll road authority in condemnation of parcel required for large toll road project, and successfully negotiated

favorable settlement with landowner, as well as easement holders claiming loss of access and compensation for improvements.

In condemnation of shopping center, cured pleading deficiencies in case as pled by community college's original attorneys and put college on track to obtain favorable settlements.

Represent regional water system to acquire property for water supply infrastructure.

Obtained judgment that state lacked right to take a portion of a property being condemned, resulting in payment of millions of dollars over the state's initial offer.

Obtained rehearing in Texas Supreme Court, limiting scope of original opinion on issue of first impression relating to pipeline companies' right to take.

Represented real estate investment trust in negotiating favorable terms on multiple pipeline easements.

Represented regional water system as land acquisition counsel, including advising on all legal aspects of the project, working with stakeholders on site selection, negotiation of easements, crossing agreements, and the purchase of real property in fee simple.

Represented governmental entities in special commissioner hearings and eminent domain litigation, including evaluating case value, reviewing land appraisals, interviewing and examining expert witnesses, and conducting hearings.

Advised electric power cooperative seeking to build new coal-

fired plant on securing amendment in House-passed version of Farm Bill. State had completed inspection and approved project; however, federal government wanted to conduct its own inspection. Amendment exempted certain cooperatives (including our client) from federal inspection.

Represented midstream energy company in drafting letter and obtaining signatures from approximately 15 members of Congress urging governor of New York and his executive agencies to approve construction of underground natural gas storage facility in New York.

Represented Texas levee improvement district on residual risk of loss issue for federal flood insurance program.

Advised largest Texas school district on all aspects of procurement and contracting related to \$2 billion infrastructure improvement program.

Created payment in lieu of taxes agreement for local school district in connection with foreign trade zone manufacturing subzone application.

Obtained summary judgment on behalf of school district of all civil rights and equal protection claims arising out of donation of property.

Won summary judgment on inverse condemnation claim relating to levee and flood protection infrastructure improvements.

Represented local sponsors of federally constructed levee in defeating condemnation of portion of their levee, asserting violations of U.S. and Illinois statutes. Award to clients

reimbursed them attorneys' fees and costs.

Secured favorable decision from Missouri Supreme Court that blocked Southeast Missouri Regional Port Authority from using eminent domain to condemn 30 acres of private land owned by client. Ruling was first by state high court applying 2006 Missouri law that barred condemnations "for solely economic development purposes."

Represented levee districts in defeating opposition to construction of levee improvements by property owners.

Brought a lawsuit against Federal Emergency Management Agency (FEMA) to invalidate its proposed maps decertifying one of the major levee systems in the country.

Led a team in representing more than 35 existing and completed flood protection construction projects valued in excess of \$1 billion. For these matters, continue to be involved in every facet of the projects – working with all federal and state regulatory agencies, working with engineering firms on value engineering, and handling project cost estimates.

Represented levee and drainage districts on more than 50 benefit reassessments that identified under-assessed properties and in assessing atypical property that should be assessed.

These reassessments generate substantial new sources of revenue for the districts, which have been used to finance flood control projects.

Led numerous teams acquiring right of way for large infrastructure projects representing more than 1,000 properties.

Advised on \$30 million Water Control Improvement District

project.

Guided client through year-long political process to secure \$3 million contract for wastewater treatment services.

Secured approval for pedestrian bridge connecting Austin Convention Center and Hilton Hotel.

Represented owners of Scottrade Center and St. Louis Blues hockey team in successfully defending constitutional challenge to bond financing deal for improvements to hockey arena, and obtained mandamus order against public official who refused to sign off on financing agreement.

Successfully defended City of St. Louis Land Clearance Authority against litigation challenging financing for St. Louis Cardinals' stadium.

Defended transportation development district against statutory and constitutional challenges to its billion-dollar trolley project. Obtained summary judgment orders in favor of client in separate state and federal cases, and obtained affirmances of both on appeal.

Represented national developer of retail shopping centers in seminal appeal challenging use of eminent domain for development purposes. Missouri Supreme Court reversed decision, ruled in favor of client and authorized condemnation to proceed.

Represented City of St. Louis agency in suit challenging use of eminent domain for redevelopment purposes. Successfully defended constitutional challenges in trial court and on appeal to Missouri Supreme Court.

Advised City of St. Louis in suit to block city from changing use of key property under redevelopment agreement. Obtained rulings in favor of city in trial court and on appeal.

Secured a victory in expedited proceedings before a St. Louis County judge on behalf of three St. Louis County Council members sued by the St. Louis County Counselor in a dispute over leadership of the County Council for the 2021 calendar year.