

Dan Biersdorf

Curriculum Vitae

Phone: 866.339.7242
E-mail: Dan@condemnation-law.com

Professional Experience

Biersdorf & Associates, P.A., Minneapolis, MN

Shareholder and President, 1988 to present

- Biersdorf and Associates exclusively represents property owners nationwide in their eminent domain claims against the government.
- The firm has clients in or has handled cases in 20 states around the country.
- The firm is handling or has handled cases of first impression in Minnesota, Wisconsin, Alaska, Oklahoma, Pennsylvania and New York.
- Its shareholder, associates, and of counsel lawyers are licensed in Minnesota, Wisconsin, Iowa, Michigan, Indiana, Illinois, Ohio, Pennsylvania, New York, Virginia, West Virginia, South Carolina, Georgia, Florida, Texas, Oklahoma, Colorado, Washington, and Oregon.

Midsized Corporate Law Firm, Minneapolis, MN

Trial Attorney, 1983 to 1988

Hennepin County Attorney's Office, Minneapolis, MN

Assistant Prosecuting Attorney, 1977 to 1983

Education

- Juris Doctor from the University of Minnesota, 1976
- Bachelor of Science in Mechanical Engineering from the University of Minnesota, 1973
- Maintains current continuing legal education requirements in Minnesota, Wisconsin, Michigan, Pennsylvania, New York, Florida, Texas, Oklahoma, Colorado, Washington and Oregon where personally admitted to practice law

Noteworthy Legal Cases

Minnesota Supreme Court

- Obtained beneficial ruling for property owners regarding the determination of contamination value before the Minnesota Supreme Court.
- *Cnty. of Dakota v. Cameron*, 839 N.W.2d 700 (Minn. 2013). Case of first impression involving the Minnesota Minimum Compensation Statute, MN Minn. Stat. 117.187.

Minnesota Court of Appeals

- *Cnty. of Scott v. Johnston*, 841 N.W.2d 357 (Minn. Ct. App. 2013). The Court of Appeals ruled in favor of the property owner on the matter of attorney fee recovery in an eminent domain case. This is the first time that the Court of Appeals has awarded attorney fees on appeal under Minn. Stat. 117.031.
- *State of Minnesota vs. Debra Jean Johnson, Randy C. Johnson, et al.* involves MN § 117.031 on the issue of attorney fee recovery.

Wisconsin Supreme Court

- *Spiegelberg v. State*, 2006 WI 75, 291 Wis. 2d 601, 717 NW2d 641, 04-3384. Obtained an expansive valuation ruling favorable for property owners with multiple parcels affected by an eminent domain taking. This decision is known throughout the country as the "Spiegelberg Rule".
- *State v. Ryan*, 338 Wis.2d 695, 809 N.W.2d 37 (2012). The Wisconsin Supreme Court adopted our position of the property owner relative to the application of summary judgment to forfeiture procedures.
- The Supreme Court used our case, *260 North 12th Street, LLC v. Wisconsin DOT*, 2010 WI App 138, 329 Wis. 2d 748, 792 N.W.2d 572, to determine the impact of contamination on value in eminent domain.

Wisconsin Court of Appeals

- *The Landings LLC v. City of Waupaca*, 287 Wis.2d 120, 703 N.W.2d 689, 2005 WI App 181, 2005. Gained favorable procedural rulings for property owners in eminent domain cases.
- *Meis v DOT*, No. 2010AP394, unpublished slip op. (Wis. Ct. App. June 10th, 2010), 2010, 2010.
- *Meis v DOT*, No. 2008AP616, unpublished slip op. (Wis. Ct. App. Feb. 5th, 2008), 2008.

New York Appellate Division

- *FFT Sr. Communities, Inc. v. Town of Canandaigua*, 96 A.D.3d 1396, 945 N.Y.S.2d 892 (2012) *reargument denied*, 98 A.D.3d 1326, 953 N.Y.S.2d 180 (2012) and *leave to appeal denied*, 20 N.Y.3d 856, 983 N.E.2d 770 (2013), 2013. Obtained a beneficial ruling for property owners regarding the valuation methodology for certain senior living facilities.
- *Tehan's Catalog Showrooms, Inc vs The State of New York* is currently on appeal and involves the valuation for property owners with multiple parcels affected by eminent domain, a.k.a the "Spiegelberg Rule".

Oklahoma Court of Appeals

- *Stephens Production Company vs. Nellie Allen, et al* is currently on appeal and involves valuation issues pertaining to natural gas storage facility mineral rights and easements.

Experience

Eminent domain and other property valuation cases

- Has personally handled cases involving all types of industrial, commercial, development, agricultural, and investment residential properties.
- Extensive experience conducting trials and appeals for property owners in eminent domain and property valuation cases.
- Handled eminent domain cases where the value of a single property involved was as high as \$57,000,000.
- Recovered millions of dollars for property owners during career handling eminent domain and property valuation cases.
- Has personally handled or is currently handling cases in 15 states around the country.

Teaching

Frequent lecturer on eminent domain and other property valuation issues at continuing education and other seminars. Most recent speaking engagements:

- 2013 Annual BV Conference, St. Paul, MN, 2013. Understanding Minimum Compensation in Eminent Domain. Co-presenter with appraiser David Reach of the Valuation Group.
- 17th Annual Oregon Land Use Law, December 2013. Regulatory Takings: The Crossroads between Land Use Regulations and Eminent Domain. Revisiting the foundations of regulatory takings in Penn Central and Lucas; exploring exactions from Nolan and Dolan to current cases, discussion of recent Supreme Court decisions.

Pro bono

Assisted the Harris Neck Land Trust effort to win congressional backing to recover land now controlled by the US Fish and Wildlife Service along the Georgia Coast.

<http://www.harrisnecklandtrust.org/>

Resources

<http://www.condemnation-law.com>

<http://twitter.com/CondemnationLaw>

<http://www.youtube.com/CondemnationLaw>

<http://www.linkedin.com/in/DanBiersdorf>