



Mark D. Savin

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INTRODUCTION

Mark Savin is an officer in Fredrikson & Byron's Condemnation & Eminent Domain and Litigation Groups. Eminent domain litigation is the center of Mark's legal practice.

Institutional clients as well as national and regional companies with extensive property holdings are a key part of his practice. Mark's work is nationally-known from a presentation he made to the American Law Institute – American Bar Association in 2007, "What National Companies Need to Know About Condemnation...and what Condemnors Need to Know About National Companies." He regularly represents and advises a leading national discount retailer in eminent domain matters across the country; one of the region's largest convenience store owners; and one of the region's largest shopping center owners. He regularly handles eminent domain matters in Minnesota for national restaurant, storage and auto service companies.

Mark has represented the owners of smaller businesses of all kinds whose property has been taken including restaurants, retailers, office buildings, shopping centers and apartments, as well as churches, hospitals and specialized agricultural and industrial facilities.

Following the Red River flood of 1997, he represented owners of property in North Dakota taken for the Grand Forks flood protection project, including one of the area's largest nursing homes and its largest private residence.

In connection with the construction of the new North/South runway at the Minneapolis-St. Paul International Airport, he represented the Metropolitan Airports Commission in acquiring nearly \$150 million of commercial property.

After more than 25 years at Faegre Baker Daniels litigating eminent domain and other valuation matters, Mark joined Fredrikson & Byron in September 2012.

EDUCATION

- University of Minnesota Law School, J.D., cum laude, 1986
- Stanford University, Ph.D., 1976

- Stanford University, M.A., 1970
- Kenyon College, B.A., 1967

BAR ADMISSIONS

- Minnesota 1986
- U.S. District Court for the District of Minnesota, 1986
- U.S. Court of Appeals for the Eighth Circuit, 1989
- U.S. Court of Federal Claims, 1993
- U.S. Court of Appeals for the Federal Circuit, 2006
- U.S. Supreme Court, 1995

PRACTICE AREAS

- Litigation
- Condemnation & Eminent Domain

REPRESENTATIVE EXPERIENCE

Owners

- Represented owners of lands taken for the new Minnesota Twins Stadium (with Daniel Rosen, Bruce Malkerson). After five weeks of hearings and an award of \$23 million, the matter was settled for more than \$28 million, more than twice the government's offer before condemnation.
- Represented owners of lands take for the new Guthrie Theatre along the Mississippi River in Minneapolis. The award of more than \$5 million exceeded the government's quick-take by more than \$3 million. The matter involved complex zoning and development issues.
- Represented owners of a large tract of development in the Northwest suburbs of Minneapolis that was bisected by a large diameter sewer line. The award of more than \$3 million was approximately six times the government's offer before condemnation. This matter involved complex legal and geotechnical issues.
- Represented owners of one of the last family farms within the 494-694 loop in a partial taking by a school district. The final award of approximately \$4 million was more than double the government's valuation.
- Represented owners of a theatre property on Hennepin Avenue in downtown Minneapolis taken for redevelopment. The award of approximately \$3 million was approximately three times the government's valuation.
- Represented a suburban shopping center owner in a partial taking in which loss of visibility and parking impacted tenant rents and occupancy. The award of more than \$4 million was more than five times the government's offer.
- Represented a major discount retailer in a taking which severely reduced parking. On behalf of the retailer proposed, and was instrumental in the passage of, an amendment to the local zoning ordinances that would allow the store to regain enough parking spaces to continue in operation. Even with this mitigation, the final award of nearly \$3 million was nearly three times the government's offer.
- Represented a Grand Forks, North Dakota homeowner whose property was taken for a flood diversion project. Compensation achieved through both eminent domain and related laws was nearly \$2 million, more than triple the government's offer.
- Represented a Milwaukee, Wisconsin landowner in a regulatory takings claim under the Tucker Act against the United States involving a refusal to issue permits for development under the Clean Water Act. After nearly eight years of litigation, the matter was resolved by

the government paying the owner the as developed market value of the property and the owner's attorneys' fees.

Work for Developers

- Represented a Minneapolis-based commercial developer in acquiring land for a large office park in Northeast Minneapolis. Work included both acquisition through purchase and coordinating with local development authority on use of eminent domain.
- Represented a national developer based in Minnesota in acquiring land for the corporate headquarters of a major electronics retailer. Work included acquisition of 86 properties and coordination of relocation for owners and tenants, but excluded the litigated eminent domain matter.
- Represented a housing developer in the reconstruction of one of the Twin Cities' largest and most recognized affordable housing projects. Worked with the developer in forming a plan that allowed for the relocation of more than 1,300 tenants during the project.
- Represented a leading national developer in acquiring properties on Nicollet Mall for one of the area's premier office towers. Acquisition work included complex relocation issues and the use of eminent domain.

Work for Condemnors

- Represented the Metropolitan Airports Commission in the acquisition of properties worth nearly \$150 million in connection with the expansion of the Minneapolis-St. Paul International Airport. Properties included three hotels, an undeveloped hotel site, a large multi-building office complex, an electrical station, two service stations and an industrial property.
- Represented the City of Minnetonka in connection with the development of the Crescent Ridge office complex. Approximately 30 residential properties and five commercial properties were acquired for the project.
- Represented CenterPoint Energy in the acquisition of a 12 mile natural gas corridor in the Northern Minneapolis suburbs.
- Represented Great River Energy in the acquisition of a 2.1 mile longitudinal power line easement on a railroad corridor.

SELECTED PUBLICATIONS & PRESENTATIONS

- Presenter, "The Changing Law of Visibility," 30th Annual ALI-ABA Eminent Domain and Land Valuation Conference, Miami, Florida, January 24-26, 2013
- Speaker, "The Changing Law of Visibility," American Law Institute CLE, Miami, FL, January 2013
- Author, "Minnesota" chapter, The Law of Eminent Domain – Fifty State Survey, ed. by W. Blake, American Bar Association, 2012
- Speaker, "Two Comments on Common Sense and Eminent Domain," American Law Institute – American Bar Association, San Diego, CA, January 2012
- Panelist, "Current Issues: Condemnation, Zoning, Land Use Law And Practice," Minnesota State Bar Association, Real Estate Institute, St. Paul, MN, November 2010
- Co-Author, "Assessing and Mitigating the Zoning Impacts of A Partial Taking," with Carol Lansing, in Condemnation, Zoning and Land Use 2009 Annual Review, American Bar Association, 2009
- Co-Presenter, "Apportionment Of Condemnation Awards Among Lessors, Lessees And Lenders," with Elyse Tish, Walgreen Company, American Law Institute – American Bar Association, Miami, FL, January 2009
- Speaker, "Just Compensation, The Uniform Relocation Act and Minn. Stat. § 117.187: A New Obligation Under Minnesota's Eminent Domain Statute," Minnesota Association of City

Attorneys, Brooklyn Park, MN, February 2008

- Speaker, "Extending The Limits Of Just Compensation, The Biggest House in Town," American Law Institute – American Bar Association, San Francisco, CA, January 2008
- Co-Presenter, "Effective Use Of Exhibits In Eminent Domain," with Jim Masterman, American Law Institute – American Bar Association, San Francisco, CA, January 2008
- Co-Presenter, "A Real Estate Attorneys' Survival Guide: What You Need To Know About Real Property Valuation and Appraisals," with Bruce Malkerson and Robert Strachota, MAI, Minnesota State Bar Association, Real Estate Institute, St. Paul, MN, November 2007
- Lecturer, "Legal Issues In Valuation," University of St. Thomas, Graduate Program in Real Estate, Minneapolis, MN, January 2007
- Speaker, "What National Companies Need To Know About Condemnation...And What Condemnors Need To Know About National Companies," American Law Institute-American Bar Association, Miami, FL, January 2007
- Speaker, "Kelo Revisited," Metro/Minnesota Chapter, Appraisal Institute, St. Paul, MN, October 2006
- Panelist, "Eminent Domain Law After Kelo," with Leland Frankman and Bruce Malkerson, Minnesota State Bar Association, Minneapolis, MN, April 2006
- Speaker, "Affordable Housing In Minnesota: Use Of Condemnation And Relocation," Lorman Education Services, Minneapolis, MN October 2005
- Speaker, "Real Property Valuation And Appraisals – The Real Estate Attorney's Survival Guide," with Scott Ruppert, MAI, Minnesota State Bar Association, Minneapolis, MN, June 2005

PROFESSIONAL ACTIVITIES

- Chair, Ramsey County District Court Working Group on Eminent Domain, 2012
- Lecturer, Eminent Domain, for Professor Alex Klass, University of Minnesota Law School, 2007-2012
- Lecturer for Professor Thomas Musil, University of St. Thomas Graduate Program in Real Estate Appraisal, 2007
- Co-chair, Minnesota State Bar Association Eminent Domain CLE, 2005-2006
- Lecturer for Professor Evan Rice, William Mitchell Law School, 2005-2006
- Jury Instruction Guide Sub-committee for Eminent Domain, 2005

HONORS & DISTINCTIONS

- Listed in *The Best Lawyers in America*, 2007-2013
- *Best Lawyers in America* Lawyer of the Year, 2013
- Minnesota Super Lawyer, by Minnesota Super Lawyers magazine
- Minnesota Law Review, 1984-1986



COMMUNITY INVOLVEMENT

- President, Beth Jacob Congregation, Mendota Heights, MN, 2005-2007
- President, Hillel Foundation, University of Minnesota, 1999-2001