

What is a ‘Quick Take’ in Eminent Domain Law?

By Jeremy S. Young

By and large, the default for eminent domain cases is paid compensation *before* a property is taken, and *after* a court has reached a verdict about the value of that compensation. However, there is one common ‘exception’ to this rule, known as “quick take.”

What is a Quick Take?

As I mentioned, a quick take offers an exception to the general rule that a condemning party must pay *before* they ‘take’ possession of a given property; instead, the appropriating body pays an appraised deposit into the court registry and can begin work right away. This method then leaves the property owner free to withdraw those funds via the immediate submission of a [Motion for Distribution](#).

This type of motion is extremely routine with the client indicating whether it is the fee-simple property owner, and whether there are any other interest holders to the property that may have a better claim to all or some portion of the money on deposit.

Here, impaired mortgage interests often crop up, and the basic legal standard states that if impairment is found, mortgage owners have a right to some of the compensation proceeds to protect their interest in the property.

How Common Are Quick Takes in Eminent Domain Law?

While quick takes are severely limited in their availability, much of this limitation relates to the kinds of takings which qualify for a quick-take process.

For instance, the quick-take procedure can be used in an emergency or exigent situation. More commonly, though, the quick-take procedure is available when the taking is for the purpose of road construction. Since road projects are the most common situation requiring a taking by eminent domain, the use of the quick-take procedure can be quite widespread.

Practitioners should be vigilant for situations in which a condemning authority attempts to use the quick-take procedure for different purposes. Take the case of [City of Worthington v. Carskadon in Ohio](#), where the Supreme Court struck down a local ordinance which gave quick-take permissions to the city *beyond* the scope of what is permitted by the constitution.