



# MCFARLAND

## Charles B. McFarland

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University of Texas  
(BA 1991, Plan II with honors)

University of Texas School of Law  
(JD 1995, with honors)

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Texas Member, Owners' Counsel  
of America

Member, The Counselors of Real  
Estate

Past President, Texas Association  
of Civil Trial and Appellate  
Specialists

Past Chair, Damages  
Subcommittee of the  
Condemnation, Zoning and Land  
Use Litigation Committee of the  
Section of Litigation of the  
American Bar Association

Keeton Fellow, University of Texas  
School of Law

Fellow, Houston Bar Foundation

Fellow, Texas Bar Foundation

Charles McFarland has extensive experience representing property owners whose private property has been taken by government and other public-use entities for public use. His primary area of practice focuses on highway and roadway widening projects that impact retail, commercial, industrial, and special-use properties. He also has successfully represented clients affected by pipelines, electric transmission lines, flood control, and other public-use projects.

An honors graduate of both the University of Texas at Austin and the University of Texas School of Law, Charles was a partner at Vinson & Elkins before forming McFarland PLLC, a boutique law firm focusing exclusively on condemnation and eminent domain litigation. In his 20+-year career, Charles has obtained successful jury verdicts, judgments, and awards in counties across the State of Texas. He has additionally handled appeals of condemnation cases in the First, Fourth, Sixth, Tenth, Eleventh, Thirteenth, and Fourteenth Courts of Appeal and in the Texas Supreme Court.

Charles became board certified in Civil Trial Law trying condemnation cases and has been selected by his peers for inclusion in the publications Best Lawyers in America and by Texas Super Lawyers for his expertise in the areas of Eminent Domain and Condemnation Law. He additionally holds the AV Preeminent Rating, Martindale-Hubbell's highest possible rating for ethical standards and legal ability, and serves as the Texas representative to the Owners' Counsel of America, a network of the nation's leading eminent domain and property rights attorneys. Candidates for membership in Owners' Counsel are thoroughly vetted based upon their ability, experience, results, and dedication to representing private property owners in eminent domain. Membership is by invitation-only and restricted to one attorney from each state across the country.

Charles is a frequent guest speaker and panelist on the topic of eminent domain and is a contributing author to the American Bar Association, the American Law Institute, and other publications.



## REPRESENTATIVE EXPERIENCE

### Retail Matters

Favorable settlements as lead counsel in advanced acquisitions by the State of Texas for its proposed North Houston Highway Improvement Project.

Favorable jury verdict as lead counsel against the State of Texas in condemnation case involving the extension of the Grand Parkway (SH 99) through proposed town center-type retail development in Harris County, Texas

Favorable settlement as lead counsel involving the State of Texas's early acquisition of retail, mixed use development for the realignment of the North Houston Highway (NHHIP)

Favorable jury verdict as lead counsel against the State of Texas in condemnation case involving the extension of the Grand Parkway (SH 99) through the 500-acre town center component of a 1400-acre master-planned community in Montgomery County

Favorable settlement as lead counsel against the State of Texas in highway widening case on US 290 (the Northwest Freeway) involving property improved with retail and industrial buildings

Favorable settlement as lead counsel against the State of Texas in highway widening case on US 290 (the Northwest Freeway) involving unimproved property with a retail/commercial highest and best use

Favorable settlement as lead counsel against the State of Texas in highway widening case on IH 45 South (the Gulf Freeway) involving property improved with restaurant pad sites retail shopping center

Favorable award as lead counsel against the State of Texas in highway widening case on IH 45 South (the Gulf Freeway) involving property improved with a restaurant and retail shopping center

Favorable settlement as lead counsel against the State of Texas in highway widening case on IH- 610/US 290 Interchange involving property improved with retail automotive service facility

Favorable award as lead counsel against the State of Texas in highway widening case on| IH-610/US 290 Interchange involving property improved with retail shopping center

Favorable jury verdict as lead counsel against the State of Texas for big box retailer in highway widening case in College Station, Texas

Favorable award as lead counsel against the State of Texas involving retail bank and office building in Pearland, Texas

Favorable jury verdict as lead counsel in highway widening case against the State of Texas involving multi-use retail property in Dallas, Texas

Favorable settlements as lead counsel in highway widening cases on IH-10 West (the Katy Freeway) against the State of Texas involving properties improved with a big box retailer and with an automotive retail store and repair center

Favorable awards and settlements as lead counsel in highway widening cases against the State of Texas involving properties improved with gas station/convenience stores in Houston, Lufkin, and Dallas



Favorable jury verdict as co-counsel in highway widening case against Harris County, Texas involving property improved with collision center in Houston, Texas

Favorable jury verdicts as co-counsel in highway widening cases on IH-10 West (the Katy Freeway) against the State of Texas involving properties improved with front-line retail space in a power center and a big box retailer in Houston, Texas

#### Other Matters

Favorable administrative awards as lead counsel against Permian Highway Pipeline LLC in takings involving large volume, high pressure natural gas line impacting properties in Central Texas

Favorable jury verdict as lead counsel against Harris County, Texas in taking for detention involving property assembled in urban area for townhome development

Favorable settlement in multiple regulatory takings cases against the City of Jersey Village, Texas relating to the attempted imposition of transit-oriented zoning ordinances

Favorable jury verdict as lead counsel against Harris County, Texas in roadway widening case involving property improved with midrise office building

Favorable settlement as lead counsel against the State of Texas in highway widening case for SH 249 involving the taking of a church building and parking

Favorable settlement as lead counsel against the State of Texas in highway widening case on US 290 (the Northwest Freeway) involving property improved with industrial pipe fitting, manufacturing, and storage facilities

Favorable settlement as lead counsel in highway widening case on IH-10 West (the Katy Freeway) against the State of Texas involving property improved with multi-family residential townhome development

Favorable jury verdicts and settlements as lead counsel in high-voltage electrical transmission line cases against CenterPoint Energy and the Lower Colorado River Authority involving rural acreage in Austin, Waller, Wharton, and Harris Counties

Favorable jury verdict as lead counsel in whole for flood control purposes against Harris County, Texas involving residential-use property in Houston, Texas

\$9.5 million award in pipeline condemnation case, on an offer of \$2.2 million. Favorable settlement followed order enjoining construction of pipeline by alleged common carrier.

#### Representative Appellate Cases

*City of Houston v. Commons at Lake Houston, Ltd.*, 2019 Tex. App. LEXIS 9083, 2019 WL 5158725 (Tex. App.—Houston (14th Dist.) Oct. 15, 2019)

*In re San Jacinto River Authority*, 2018 WL 4016956 (Tex. App.—Houston (14th Dist.) 2018, orig. proceeding)

*In re J. Adams, LLC*, 2016 WL 6809234 (Tex. App.—Beaumont 2016, orig. proceeding)

*Farabi, Inc. v. Harris County*, 2014 WL 3698451 (Tex. App.—Houston (14th Dist.) 2014, pet. denied)



*City of Corpus Christi v. Scorpio Development, LLC*, 2014 WL 1007880 (Tex. App.—Corpus Christi—Edinburg 2014, no pet.)

*In re ETC NGL Transport, LLC*, 2012 WL 629347 (Tex. App.—Houston (14th Dist.) 2012)

*In re Foster*, 2012 WL 601150 (Tex. App.—Houston (1st Dist.) 2012)

*In re ETC NGL Transport, LLC*, 2011 WL 5314225 (Tex. App.—Houston (1st Dist.) 2011)

*In re Southern Crushed Concrete*, 2011 WL 3274268 (Tex. App.—Houston (14th Dist.) 2011)

*PR Investments and Specialty Retailers, Inc. v. State*, 251 S.W.3d 472 (Tex. 2008)

*Eye Plus Vision, Inc. v. CBH Tract III, L.P.*, 2007 WL 3293732 (Tex. App.—Houston (1st Dist.) 2007)

*State v. Beeson*, 232 S.W.3d 265 (Tex. App.—Eastland 2007)

*Motiva Enterprises, LLC v. McCrabb*, 248 S.W.3d 211 (Tex. App.—Houston (1st Dist.) 2007, pet. denied)

*State v. Target Corp.*, 194 S.W.3d 46 (Tex. App.—Waco 2006, pet. denied)

*Harris County v. Inter Nos, Ltd.*, 199 S.W.3d 363 (Tex. App.—Houston (1st Dist.) 2006)

*CenterPoint Energy Houston Elec., L.L.P. v. Old TJC Co.*, 177 S.W.3d 425 (Tex. App.—Houston (1st Dist.) 2005)

*City of Houston v. Van De Mark*, 83 S.W.3d 864 (Tex. App.—Texarkana 2002)

*State v. Northborough Center, Inc.*, 987 S.W.2d 187 (Tex. App.—Houston (14th Dist.) 1999)