



## Allan M. Rubin

Partner

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### PRACTICE AREAS

Eminent Domain  
Inverse  
Condemnation

### INDUSTRIES

Energy  
Health Care  
Hospitality/Food &  
Beverage  
Manufacturing  
Real Estate

### BAR ADMISSIONS

The Florida Bar

Allan Rubin's 35-year career in a very specific legal niche gives clients a strong depth of knowledge to tap into. Practicing exclusively in eminent domain and condemnation, he has counseled major oil companies, national retailers, restaurant chains, hotels and many others. With this base of experience, he leads the firm's Eminent Domain Practice Group and also serves on the Eminent Domain Committee of The Florida Bar. He is a partner in Shutts & Bowen's Fort Lauderdale office.

### EXPERIENCE

In a region marked by large public construction projects and fewer land resources, Mr. Rubin advises companies on ways to protect their property and access rights. He files actions against the Florida Department of Transportation and other government agencies for companies throughout South Florida.

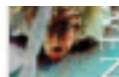
Mr. Rubin handles a variety of eminent domain cases, including inverse condemnation. These trials and appeals often involve government takings that endanger the business itself.

### CLIENTS

As Chairman of the Eminent Domain Practice Group, he leads a team serving clients such as major oil companies, drugstore chains, national retailers, national restaurants, fast-food restaurants, hotels and motels, apartment buildings, shopping centers, broadcast companies, auto and truck sales/service centers, manufacturers, medical and ACLF facilities, banks, and numerous state and local developers, property owners and businesses.

### RECENT MATTERS

- Mr. Rubin recovered more than \$1 million in business damages for two stores in a shopping center that lost half of its driveway access due to the I-595 project in Broward County.
- He also settled a damage claim in excess of \$1 million for a national food franchisee by persuading the local government to allow drive-thru windows and related facilities to replace take-out parking lost to a highway project. The drive-thru windows had been denied to the franchisee for more than 10 years.
- Mr. Rubin settled a multi-million dollar case by securing a final judgment against the State of Florida Department of Transportation (DOT). As part of the final judgment, the DOT agreed to build a four-lane highway to





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Allan M. Rubin (cont.)

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replace access lost by the property owner during widening of State Road 7 in Broward County.

- In an inverse condemnation case, Mr. Rubin successfully represented a national restaurant chain in both the trial and appellate proceedings. In the final judgment, the DOT was declared to have "taken" access rights. Even though land or improvements had not yet been physically taken, the DOT was ordered to begin condemnation proceedings to determine full compensation and damages due.
- In a precedent-setting case, Mr. Rubin secured an award of more than \$1.7 million in business damages for Tire Centers, LLC, a wholly owned subsidiary of Michelin Tires. Florida's DOT was precluded from arguing that the damages should have been lower because Tire Centers relocated its business in the same market area. This significant decision finally clarified the law relating to business damages awards and the government's efforts to mitigate these claims, based on the business' ability to relocate.

#### APPELLATE DECISIONS

State, Dept. of Transp. v. FMS Management Systems, 599 So.2d 1009 (Fla. 4th DCA 1992);

State, Dept. of Transp. v. Rubano, 636 So.2d 749 (Fla. 4th DCA 1994);

Rubano v. State, Dept. of Transp., 656 So.2d 1264 (Fla. 1995);

City of Hallandale Beach v. Vernon Smith and Calvin Franklin, 853 So.2d 495 (Fla. 4th DCA 2003);

State, Dept. of Transp. v. Tire Centers, LLC, 4th DCA Case No.: 03-3378, 895 So.2d 1110, 30 Fla. L. Weekly D274 (Fla. 4th DCA 2005).

#### RECENT SPEAKING ENGAGEMENTS

- "Condemnation Issues for the Practitioner - Overview of Takings; Essential Provisions in Purchase Agreements, Leases and Mortgages," presented as a University of Miami for Continuing Legal Education seminar, Eighth Institute on Real Property Law.
- "Mid-Trial Arguments over Access Issues," presented as a Florida Bar approved CLE seminar on Eminent Domain, underwritten by the Florida Conference of Circuit Court Judges.
- "Relevant Issues in Business Damages," presented as a Florida Bar approved CLE seminar at the 2nd Annual Eminent Domain Conference.

#### RECOGNITION

- Martindale Hubbell A-V Rated

#### EDUCATION

- Cumberland School of Law, J.D., 1971
- University of Miami, B.B.A., 1968

#### AFFILIATIONS

- The Florida Bar, Eminent Domain Committee

