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Four Questions to Consider When Construction Impacts Your Business

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Franchising World

Tom Fusonie and Dan Shuey, attorneys in the Vorys Columbus office, co-authored an article for *Franchising World* titled “Four Questions to Consider When Construction Impacts Your Business.” The article highlighted four questions that franchise owners should ask regarding any construction project taking place near their business. According to the article, these questions can help inform whether a landowner is entitled to compensation, what types of compensation the landowner is entitled to, and the scope of potential compensation.

The article states:

“What happens when a franchise owner finds that perfect location, builds their business, and begins to see a well-deserved financial return—only for the government to bring it all crashing down by modifying access to the property? As many franchise owners have unfortunately experienced, government entities often change road grades, close curb cuts, move roads, remove turning lanes, add medians, and/or close intersections without any consideration for nearby businesses. There is little regard that these actions can have a dramatically negative impact on what was once a highly profitable business—not to mention the negative impact on a business’s employees.

The good news is that businesses facing these difficult circumstances may be entitled to compensation from the government under eminent domain law. Under Federal and state constitutions, the government may not ‘take’ private property for public use without compensating the landowner. Unfortunately, governments, federal, state and local, often refuse to meet their constitutional obligation to pay landowners their just compensation for taking a property, forcing landowners to proactively sue the government entity to do so. Because governments do not always do the right thing, it is incumbent upon business owners to pay close attention to road projects on or around their properties.”

To read the entire article, visit the *Franchising World* [website](#).

