

MONDAY, October 30, 2006

Tire maker losing plant to road work gets \$11.9M, will move out of state

Case: Florida Department of Transportation v. Bridgestone Aircraft Tire Inc.

Case no.: 05-18657CA27, Miami-Dade Circuit Court.

Description: Eminent domain.

Filing date: Sept. 14, 2005

Judge: Maria Espinosa Dennis

Plaintiff lawyers: Deborah S.

Herman, Lillian Valdespino, Alicia Trujillo, Florida Department of Transportation

Defense lawyers: Mark A. Tobin and Patrick T. DiPietro, Brigham Moore, Miami

Details: Miami-based Bridgestone Aircraft Tire manufactures tires for commercial airlines and military planes. Its 46,000-square-foot plant at State Road 826 and NW 12th Street employed about 100 workers. The Florida Department of Transportation wanted Bridgestone's 3.3-acre property because FDOT is redoing the SR 826/SR 836 interchange. The department originally offered Bridgestone \$3.8 million.

Plaintiff case: Bridgestone's case centered on working out a favorable price and negotiating a phased transition. "The big issues here were proper compensation and working out a deal that could ensure a smooth transition," Tobin said. "This was a very high-tech facility, one of only a very few in the world that does this kind of work at this level. So the company couldn't just shut down and relocate — it had to be a gradual transition."

Over the course of a year, Tobin says, FDOT and Bridgestone developed an amicable relationship that allowed the company to look for a suitable new plant site.

The company has decided to leave



Mark A. Tobin and Patrick T. DiPietro of Brigham Moore helped Bridgestone Aircraft Tire settle with the state Department of Transportation.

Florida and will move to a facility in Mayodan, N.C., about 30 miles north of Greensboro.

Defense case: FDOT attorneys tried to balance saving public money with the state's need for the land to improve local roadways. "They had a lot of balls in the air, and they managed to juggle them," Tobin said. "They agreed to a plan that lets Bridgestone stay on the property until they're ready to leave so that they won't lose any business. They made what I think is a fair offer without breaking their bank. They really worked together with us to make this happen the

right way."

Outcome: On Oct. 6, Bridgestone agreed to accept \$10.5 million for the property. FDOT also agreed to pay \$1.4 million in attorney fees. Bridgestone will lease the site from FDOT for \$25,000-per-month until June 30, 2007.

Comments: "This case was atypical because the operation in the facility was so unique," Tobin said. "Luckily, FDOT eventually agreed to a great plan that lets the company relocate gradually. The state gets the land, and Bridgestone doesn't lose any business." ■

— Forrest Norman