



## contact

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Client organizations rely on my vast experience in handling highly complex, cutting-edge matters that often touch on constitutional and unique valuation principles. I find it personally gratifying to assist with important public projects that provide societal benefits while insuring that affected property owners are treated fairly. I enjoy the challenge of dealing with novel and complex legal issues, often at the forefront of the law, and providing intelligent legal advice based on what's likely to occur in a court that's never previously dealt with, nor interpreted, a case with a similar set of circumstances.

Focusing his highly regarded practice on the New York metropolitan area, John Casolaro represents municipal and public benefit corporations and other condemning authorities in eminent domain cases. John advises clients in challenges to their authority to condemn property and to the public use underlying their exercise of the eminent domain power, as well as in other constitutional disputes testing the limits of the inherent power of government to acquire properties by eminent domain. His extensive and stellar appellate record stems from cases he has argued in all the New York appellate courts and in the New Jersey Supreme Court and includes several leading decisions involving challenges to the authority of condemning agencies and the constitutionality of proposed acquisitions of property.

John has tried many eminent domain fee and fixture valuation cases. In addition, he has tried mechanic's lien foreclosure cases and has filed, obtained the dismissal of, and litigated mechanic's lien claims of various types and sizes. His practice also includes arbitrations and appraisals involving rent adjustments under long-term ground leases and other litigation involving real estate.

John draws on extensive experience and an in-depth knowledge of real estate valuation and construction contracts to adeptly guide governmental entities through planning for acquisition of properties by eminent domain, the public hearings process, and legal challenges to decisions about targeted properties.

In all matters John contributes sharp attention to detail, a drive to find workable solutions to problems, and a keen familiarity with the highly complex moving parts inherent in eminent domain cases and the appellate courts in New York, where many constitutional challenges to eminent domain acquisitions are heard. As counsel for a government authority, he is always mindful that he represents the public and scrupulously complies with ethical obligations and ensures that all parties involved are treated with fairness and respect.

## Experience

- **Suffolk County:** 2015-Present. Represent the County of Suffolk in connection with the Fire Island dune and berm project (the "FIMI Project") involving acquisition of hundreds of easements and dozens of fee acquisitions to allow the U.S. Army Corps of Engineers and its local partners to create, restore, and maintain sand dunes damaged by Superstorm Sandy along the 12.5 mile coastline of Fire Island, New York. Representation included appearances in state court acquisition proceedings, in federal court defending against claims that the county violated due process and equal protection rights of certain ocean front owners, and conducting valuation trials for the purpose of determining just compensation for property owners who have had fee and easement interests acquired as part of the FIMI Project, including property owners whose land was acquired but who chose to keep their house and relocate it to a nearby parcel.
- **City of New York and Metropolitan Transportation Authority:** 2005-Present. Represent the City of New York and the MTA in connection with the Hudson Yards – No. 7 Subway Line Extension Project, including: successful defense of EDPL § 207 challenge to exercise of eminent domain power in connection with 300-acre redevelopment project on the west side of Manhattan (*C/S 12th Avenue v. City*); representation in trial to determine zoning to apply in valuation of properties (*City v. Zahav*); representation in connection with dismissal of fixture claim where fee and fixture claimants were related entities (*City v. Am. Pipe and Tank*); representation in connection with fee and fixture valuation claims and acquisitions, Stages 1 through 9.
- **NYS Urban Development Corp. d/b/a/ Empire State Development:** 2007-Present. Successfully defended constitutional and statutory challenge to use of eminent domain and blight findings (Columbia University/Manhattanville Project). Represented ESD in development of general project plan, agreements with sponsor, acquisition of properties by eminent domain, obtaining possession of acquired properties through Writs of Assistance, and in valuation proceedings involving the acquired properties. (*Kaur v. NYS Urban Dev. Corp.*, 15 N.Y.3d 235).
- **City of New York:** 2009-2016. Represented the City of New York, as successor to the Queens West Development Corp., in connection with fee and fixture claims involving the acquisition of a 7.2-acre tennis facility along the East River waterfront in Long Island City. After a successful motion dismissing the fixture claim at the trial level, and an appeal ordering a trial, the fixture claim was settled on very favorable terms. Mr. Casolaro acted as lead trial counsel in connection with a fee claim by the former owner of the property for additional compensation which, with interest, exceeded \$140 million. After a 21-day trial the court rejected the claimants' highest and best use determination and arrived at a value based on the City's appraiser's use. The decision was affirmed on appeal. (*Queens West Dev. Corp. v. Nixbot Realty*).
- **City of New York and New York City Economic Development Corp.:** 2007-2020. Represent the City of New York and the NYC EDC in connection with the Willets Point Development Plan. Representation included advice in connection with public hearing, opposition to EDPL § 207 challenge to the Project, and opposition to request for attorney's fees. Obtained summary judgment dismissing the attorney's fees claim. (*Serrone v. City*).

- **NYS Urban Development Corp. d/b/a Empire State Development:** Represented condemning authority in Supreme Court trials of various fee and fixture claims relating to the 42nd Street/Times Square Development Project.
- **Port Authority of NY and NJ:** Represented PANYNJ in connection with the Access to the Region's Core (ARC) Project, involving two proposed railroad tunnels under the Hudson River.
- **NYS Urban Development Corp.:** Successfully defended EDPL § 207 challenge to exercise of eminent domain power in connection with the New York Stock Exchange Project. (*In re Fisher*).
- **NYS Urban Development Corp. d/b/a Empire State Dev. Corp.:** Successfully defended UDC against claim that condemnation would violate constitutional rights of property owner, violate SEQRA and violate ULURP requirements, in connection with the East River Plaza Project. (*East Harlem Business & Residence Alliance v. Empire State Dev.*).
- **NYS Urban Development Corp.:** Successfully defended taxpayer suit (GML § 51) in N.Y. Supreme Court and original proceeding in Appellate Division challenging UDC's exercise of its eminent domain power. Mr. Casolaro and the CL&M team also successfully defeated various applications to stay acquisition in the Supreme Court, Appellate Division and Court of Appeals. (*West 41st St Realty v UDC*).
- **NYS Urban Development Corp.:** Represented UDC in connection with the One Bryant Park Project, including opposition to EDPL § 207 challenge.
- **NYS Urban Development Corp.:** Represented UDC in connection with the 7 World Trade Center Project, including opposition to EDPL § 207 challenge.
- **NYS Urban Development Corp.:** Represented Charles Gargano, as Chairman of UDC, in an action brought in federal court asserting that the EDPL was unconstitutional due to the absence of a requirement that notices be mailed to interested parties. The claims against Mr. Gargano were defeated.
- **NYS Urban Development Corp.:** Represented UDC in connection with the East 13th Street H.E.L.P Project, including opposition to EDPL § 207 challenge which involved constitutional and statutory challenge to enabling legislation and actions of UDC in trial level, intermediate and highest appellate court in the state, leading to seminal decision on standing in eminent domain proceedings under EDPL § 207. (*East 13th Street v. UDC and East 13th Street v. NYS Housing Fin. Agency*).
- **Metropolitan Transportation Authority:** Represented the Metropolitan Transportation Authority in a valuation proceeding relating to 52 acres of land acquired by the MTA via eminent domain for a Metro-North commuter parking lot, including an appeal from the award. *Matter of MTA (Longridge Assocs.)*.
- **NYS Dormitory Authority:** Represented condemning authority in connection with various phases of the Baruch College Expansion Project condemnation proceedings. Obtained summary judgment dismissing claim by statutory tenant under rent regulations for compensation when building was acquired by eminent domain. (*DASNY v. Davis*).

## Outside the Office

I enjoy hiking in New York's Hudson Valley area, including in the Hudson Highlands Park, Harriman-Bear Mountain Park, and Ward Pound Ridge Park. I especially enjoy the breathtaking views of the Valley from the peaks overlooking the Hudson River. At home, I enjoy landscape planning and implementation.

## Practices

Litigation and Disputes  
Condemnation  
Real Estate  
Tax-Exempt Organizations Real Estate

## Admissions

### Bar Admissions

New York

### Court Admissions

U.S. Court of Appeals, Second Circuit

U.S. District Court for the Eastern District of New York

U.S. District Court for the Southern District of New York

U.S. Supreme Court

## Affiliations

Member, The New York City Bar Association

Chair, Construction Law Committee (1994-1997)

Member, New York State Bar Association

## Education

Syracuse University College of Law (JD, *cum laude*, 1977)

- Editor, *Syracuse Law Review*

The Cooper Union for the Advancement of Science and Art (B Engr, *cum laude*, 1974)

## Awards/Honors

*Super Lawyers*®, 2014-2021, 2023-2024

AV® Preeminent™ rated by Martindale-Hubbell