



Mark McNamara

Partner

Buffalo

P: 716.566.1536

mmcnamara@barclaydamon.com

Education

- George Washington University Law School, JD
- Colgate University, *Cum Laude*, BA

Practices & Industries

- Energy
- Oil & Gas
- Property Tax & Condemnation

Admitted to Practice

- New York
- District of Columbia

Court Admissions

- US Court of Appeals for the Second Circuit
- US District Court for the Eastern District of New York
- US District Court for the Northern District of New York
- US District Court for the Southern District of New York
- US District Court for the Western District of New York

Biography

Mark is Barclay Damon's Property Tax & Condemnation Practice Area chair. A trial lawyer with over 25 years of experience, Mark primarily concentrates his practice on eminent domain and real property tax-assessment matters while providing leadership and guidance to his colleagues.

Mark has successfully acted as condemnors' counsel in planning and litigating the acquisition of property interests by eminent domain in a variety of major projects, including the development of professional sports stadiums, industrial parks, regional mall expansions, electric-generating facilities, and natural gas and electric transmission lines. He has represented numerous condemnors and condemnees in just-compensation valuation proceedings, and a significant area of his practice involves litigating property tax assessment challenges involving power plants and manufacturing, warehouse, distribution, office, and commercial facilities.

Bar Associations

- Bar Association of Erie County
- District of Columbia Bar Association
- New York State Bar Association

Selected Memberships & Affiliations

- New York State Supreme Court Appellate Division, Fourth Department, Eighth Judicial District, Former Grievance Committee Chair

Representative Experience

- Represented a hydroelectric company in its acquisition of property interests in connection with its system of hydro-generating plants.
- Provided property-tax litigation over the tax assessment of a 685 MW generating station and the negotiation of a payment-in-lieu-of-tax agreement (PILOT) with the municipalities and Niagara County Industrial Development Agency.
- Provided property-tax litigation over the tax assessment of a 1,000,000+ SF national brewery and distribution facility and the negotiation of a PILOT with the municipality's IDA.
- Provided property tax-assessment litigation challenging the assessments of coal-fired electric-generating stations and the negotiation of PILOTs with the Chautauqua County IDA, Erie County IDA, and Rockland County IDA.
- Represented a condemnor IDA in the acquisition of more than 60 acres of oil-terminal storage and distribution facilities in connection with the Carousel Landing retail and commercial development project in Syracuse, New York.
- Represented a condemnor in the acquisition of various lease rights from anchor tenants of Carousel Center Mall for the development of the major expansion of the mall into Destiny USA in Syracuse, New York.
- Represented the condemnor in the acquisition of property interests by eminent domain for the development of a National Hockey League franchise's sports arena.
- Represented the condemnor in the expansion of the Buffalo-Niagara International Airport.
- Represented the condemnor in the acquisition of property by eminent domain for the development of a regional conference center and hotel in Ithaca, New York.
- Defended a county airport in various trials involving just-compensation damages claims brought by property owners whose property was acquired in connection with the expansion of the Genesee County Airport clear zones.
- Represented the condemnor in the acquisition of property for the expansion of the Augspurger Parking Ramp in Buffalo, New York.
- Represented the condemnor in the acquisition of property interests from multiple property owners for the development of a Triple-A baseball stadium in Buffalo, New York.
- Represented a client in the acquisition of property from numerous property owners for the development of a 500-acre Upstate New York industrial park.
- Represented the condemnor in the acquisition of property by eminent domain for the development of a hotel project in Geneva, New York.
- Represented various condemnors in the acquisition of property interests for the construction of interstate natural gas pipelines.

- Represented various condemnors in the acquisition of easement interests in connection with the construction of electric-transmission lines.
- Advised a state agency in its role as an involved agency under SEQRA for a controversial new hospital project, during which we provided strategic advice throughout the environmental review process, including interfacing with the applicant and assisting with the development of a defensible environmental impact statement (EIS), which ultimately led to having all claims in the subsequent legal challenge dismissed against the state.

Prior Experience

- Hiscock & Barclay, LLP, Partner
- Moot & Sprague, Partner

Selected Community Activities

- Vocalis Chamber Choir, Trustee

Selected Honors

- *The Best Lawyers in America*®: Eminent Domain and Condemnation Law, 2012–2024
- Selected to *Super Lawyers* Upstate New York: Eminent Domain, 2015–2023
- *Buffalo Business First*, Legal Elite of Western New York, 2015–2016, 2018
- *Who's Who in Law: Litigation, Second Edition*
- Martindale-Hubbell AV Preeminent Peer Review Rated for Very High to Preeminent Ethical Standards and Legal Ability

Selected Speaking Engagements

- Property Tax in New York Seminar, "Impact of Environmental Contamination on Property Value"
- Real Estate Network Seminar, "Property Defects and Real Estate Issues"
- International Right of Way Association Annual Meeting, "Legal Appraisal Issues"
- Erie Institute of Law Noonday Lecture Series, "Basics of Eminent Domain"

Selected Media

- *Buffalo Business First*, "After JCPenney's Eminent Domain Appeal, What's Next for the Boulevard Mall?"
- New York State Bar Association *Condemnation Law and Procedures in New York*, "Abandonment of a Project and/or a Taking"

Selected Alerts & Blog Posts

- NYS Court of Appeals Holds FERC Certificate of Public Convenience Exempts Pipeline Company From Eminent Domain Public Notice, Hearing Requirements Despite Water-Quality Certification Denial
- COVID-19: NYS Governor Cuomo Extends Statute of Limitations Provisions Affecting Real Property Tax Law Article 7 Tax Challenge Special Proceedings
- Governor Cuomo Modifies Deadlines to Allow NYS Towns, Cities Additional Time to File 2020 Tentative Assessment Rolls and Hearing Dates
- Fiber Optic Cable is not Taxable Real Property in New York: Appellate Division, Fourth Department Follows First and Third Department Holdings
- New York Authorizes Municipalities to Enact "Green Building" Tax Exemption