

Bond Case Briefs

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EMINENT DOMAIN - PENNSYLVANIA

Lower Makefield Tp. v. Lands of Chester Dalgewicz

Supreme Court of Pennsylvania - May 29, 2013 - A.3d - 2013 WL 2322471

After it was determined that the taking was for a legitimate public use, the parties proceeded to a Board of View hearing to determine valuation. The Board of View valued the property at \$3,990,000. Landowners filed an appeal, and the matter proceeded to a jury trial on the issue of damages. The Court of Common Pleas entered judgment on jury verdict finding that the township owed landowners \$5,850,000 as just compensation for the taking and denied township's motion for post-trial relief. Township appealed.

The Supreme Court of Pennsylvania held that:

- Testimony regarding home builder's "letter of intent" to buy property was admissible evidence of property's fair market value; and
- In a condemnation valuation trial, there is no bright-line rule prohibiting testimony of bona fide offers to buy property into evidence, especially when a contract has been signed and the offer is used to show that contract's reasonableness; abrogating, *Anderson v. Dept. of Highways*, 422 Pa. 1, 220 A.2d 643.