

Bond Case Briefs

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EMINENT DOMAIN - PENNSYLVANIA

McMaster v. Township of Bensalem

Commonwealth Court of Pennsylvania - March 13, 2017 - A.3d - 2017 WL 962454

Property owners filed a petition for appointment of viewers, alleging that township constructed a storm water system that redirected storm water from the west side of boulevard onto a significant portion of owners' property and asserted that it constituted a de facto taking of the property.

Township filed a preliminary objections. The Court of Common Pleas found the redirection of storm water did not constitute a de facto taking, that the 2010 pipe installation was a de facto taking, and appointed a board of viewers. Property owners appealed.

The Commonwealth Court held that township's redirection of storm water onto owners' property did not constitute a de facto taking under the Eminent Domain Code.

There was no showing that the flooding of owners' property interfered with owner's use of their house or lawn, and owners failed to show that they actually used the area of property subject to flooding in any way that was affected by the flooding.