

Bond Case Briefs

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EMINENT DOMAIN - PENNSYLVANIA

Griffith v. Millcreek Township

Commonwealth Court of Pennsylvania - July 30, 2019 - A.3d - 2019 WL 3417015

Landowners, who were forced to abandon their home after massive landslide of trees and soils fell along boundary of property, filed petition for appointment of a board of viewers, alleging that township's design, construction, review, acceptance, operation, and/or maintenance of subdivision's storm water system caused landslide on property, rendered their home uninhabitable, and constituted de facto taking.

The Court of Common Pleas overruled township's preliminary objections and granted landowners' petition. Township appealed.

The Commonwealth Court held that township's design, construction, review, acceptance, operation, and/or maintenance of subdivision's storm water system, which allegedly caused landslide, did not constitute de facto taking of landowners' property; although township imposed conditions on system and was responsible for system's maintenance, and was aware that system discharged into ravine adjacent to landowners' property, there was no evidence that township knew its acts would cause landslide, or turned a blind eye to such likelihood, let alone one that would destroy landowners' home.