

Bond Case Briefs

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EMINENT DOMAIN - PENNSYLVANIA

In re PPL Elec. Utilities Corp. of Real Estate Situate in Schuylkill County

Commonwealth Court of Pennsylvania - May 8, 2013 - A.3d - 2013 WL 1891399

Landowner (WMPI) asserted that PPL Electric Utilities Corporation (PPL) was required to comply with the procedural requirements set forth in Section 1511 of the Associations Code by seeking approval from the Public Utility Commission (PUC) prior to condemning WMPI's land for a perpetual easement and right-of-way.

The appeals court agreed with WMPI.

"Because we must strictly construe eminent domain statutes pursuant to Township of Millcreek, 25 A .3d at 1292, and Olson, 595 A .2d at 708, and because the Declaration authorizes actions by PPL that appear to be encompassed within Section 1511(c), we are constrained to conclude that PPL must comply with Section 1511(c) before condemning WMPI's land for a perpetual easement and right-of-way."