

Bond Case Briefs

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EMINENT DOMAIN - PENNSYLVANIA

Smucker v. Lancaster City Planning Com'n

Commonwealth Court of Pennsylvania - August 2, 2013 - A.3d - 2013 WL 3958458

Property owners appealed a city planning commission's determination that their vacant property was blighted. The Court of Common Pleas certified owners' property as blighted and authorized the city's redevelopment authority to file a declaration of taking. Owners appealed.

The Commonwealth Court held that:

- City's evidence was sufficient to prove that owners' property was vacant, and
- Common pleas court did not unduly restrict the scope of its evidentiary inquiry or capriciously disregard evidence regarding vacancy.

City's evidence was sufficient to prove that owners' property was vacant, so as to support certification of the property as blighted under Urban Redevelopment Law. Owner refused numerous requests to document occupancy with a lease and the address of an agent responsible for maintenance. Owner refused to allow city to inspect the inside of the property, and owner's uncorroborated testimony that one "Agent Josh" lived at the property and had changed the locks was rejected by trial court. 35 P.S. § 1712.1(e)(1)(i).