

# **Bond Case Briefs**

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## **EMINENT DOMAIN - PENNSYLVANIA**

### **Reading Area Water Authority v. Schuylkill River Greenway Assn.**

**Supreme Court of Pennsylvania - September 24, 2014 - A.3d - 2014 WL 4745698**

Water authority filed a declaration of taking to condemn drainage easement across landowners' property. The Court of Common Pleas sustained landowners' preliminary objections and dismissed the declaration of taking, and water authority appealed. The Commonwealth Court reversed and remanded. Landowners appealed.

The Supreme Court of Pennsylvania held that drainage easement was not for public use and thus could not be subject of taking by water authority.

Drainage easement across landowners' property was not for public use and thus, pursuant to Property Rights Protection Act (PRPA), could not be subject of taking by water authority, even though easement was to be located side-by-side with water easement and was intended for use by prospective purchasers of developer's adult-community residential development. Easement was to be acquired at developer's behest for sole use of developer, and at developer's sole cost, and there was no suggestion that easement was meant to be used for any purpose broader than servicing development.