

Bond Case Briefs

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SEWER EASEMENTS - PENNSYLVANIA

Berwick Township v. O'Brien

Commonwealth Court of Pennsylvania - October 12, 2016 - A.3d - 2016 WL 5936587

Township filed suit against landowners for declaratory judgment and injunctive relief relating to its rights under sewer-line easement agreement. Township moved for summary judgment.

The Court of Common Pleas granted the motion in part. Landowners appealed to the Superior Court, which transferred the appeal to the Commonwealth Court.

The Commonwealth Court held that:

- Declaration that sewer-line easement and right-of-way permitted township to remove brush and overgrowth was not an overly broad grant of declaratory relief;
- Removal of brush and overgrowth, including trees, in order to allow township access to its sewer lines for purposes of inspection and maintenance was reasonable and necessary to purpose of the easement grant;
- Permanent injunction prohibiting landowners from interfering with the township's rights under easement agreement and restraining landowners from taking any actions that prohibited township from accessing easement in order to inspect and maintain its sewer lines was warranted; and
- Trial court did not reform easement agreement by clarifying that the area within the sewer-line easement could be clear cut to the extent necessary consistent with customary industry practices.