

# **Bond Case Briefs**

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## **EMINENT DOMAIN - PENNSYLVANIA**

### **Alpha Financial Mortgage, Inc. v. Redevelopment Authority of Fayette County**

**Commonwealth Court of Pennsylvania - December 22, 2016 - A.3d - 2016 WL 7405777**

Property owners filed petitions for appointment of viewers to ascertain just compensation for properties condemned by county redevelopment authority.

Authority filed preliminary objections, asserting that the petitions were untimely under one-year statute of limitations set out in Urban Redevelopment Law (URL).

The Court of Common Pleas sustained authority's preliminary objections. Property owners appealed.

The Commonwealth Court held that enactment of general six-year limitations period for eminent domain challenges did not repeal one-year period provided in URL.

Enactment of statute providing a six-year statute of limitations for filing a petition for appointment of viewers after a declaration of taking did not repeal and supplant the one-year statute of limitations under the Urban Redevelopment Law (URL) for challenging redevelopment authority's estimation of just compensation; legislation that created the six-year limitations period did not explicitly refer to URL statute setting out the one-year limitations period, the URL statute was not repugnant to six-year limitations period, just as it had not been repugnant to prior five-year limitations period, and legislation applied generally to all condemnations, whereas URL applied exclusively to redevelopment authorities.