

Bond Case Briefs

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EMINENT DOMAIN - PENNSYLVANIA

Szabo v. Department of Transportation

Supreme Court of Pennsylvania - February 20, 2019 - A.3d - 2019 WL 763674

Pennsylvania Department of Transportation (PennDOT) filed declaration of taking to acquire property for the expansion of state roadway. Property owners filed petition for appointment of viewers to determine amount of just compensation as a result of condemnation and filed petition for evidentiary hearing.

The Common Pleas Court denied petition for evidentiary hearing. Property owners appealed. The Commonwealth Court reversed. PennDOT filed petition for allowance of appeal.

The Supreme Court of Pennsylvania held that declaration of taking did not establish extent or effect of taking, and thus property owners' failure to file preliminary objections within 30 days of service did not result in waiver of right to assert ownership and seek just compensation, where Pennsylvania Department of Transportation (PennDOT) served plot plan that showed section of property taken from one parcel but not from two other parcels.