

# **Bond Case Briefs**

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## **EMINENT DOMAIN - PENNSYLVANIA**

### **Trinidad v. Department of Transportation**

**Commonwealth Court of Pennsylvania - March 30, 2022 - A.3d - 2022 WL 945548**

Department of Transportation (DOT) brought condemnation action against landowners, seeking to quiet title and issuance of a writ of possession of commercial property after landowners failed to vacate the premises.

The Court of Common Pleas dismissed DOT's motion for writ of possession. DOT appealed.

The Commonwealth Court held that:

- Issue of whether DOT was entitled to possession of condemned property was separate from ongoing litigation;
- Issue of whether DOT was entitled to possession of condemned property was an important issue to the public;
- Denial of DOT's appeal would have resulted in an irreparable loss; and
- DOT was entitled to writ of possession.

Issue of whether Department of Transportation (DOT) was entitled to possession of landowners' condemned commercial property was separate from ongoing litigation, as required for trial court's denial of DOT's motion for writ of possession to be a final appealable order under collateral order doctrine; there was no dispute that amount of just compensation, as estimated by DOT, had been paid to landowners, thus, issue of right to possession remained, and that issue was significantly different from questions underlying the issue of landowners' entitlement for full compensation from condemnation of its commercial property.

Issue of whether Department of Transportation (DOT) was entitled to possession of landowners' condemned commercial property was an important issue that went beyond the present litigation, as required for trial court's denial of DOT's motion for writ of possession to constitute a final appealable order under collateral order doctrine; landowners' right to just compensation from DOT's taking and their subsequent divestment of all interests in the property, in addition to DOT's right to make use of property for public use to which it had established a legal right to possession, involved rights that were deeply rooted and involved important public policy considerations.

Denial of Department of Transportation's (DOT) appeal would have resulted in an irreparable loss, as required for trial court's order that denied DOT's motion for writ of possession to constitute a final appealable order under collateral order doctrine, where if order was not immediately appealable, DOT would be required to wait until Board of Viewers issued its decision on landowners' claim for full compensation, which would have caused DOT and the public to suffer losses, and substantial costs that DOT would incur due to delays and violations of contracts with third parties if it was forced to litigate its appeal from Board's decision prior to taking possession would not have been adequately vindicable and, effectively, could not be undone.

Department of Transportation (DOT) was entitled to a writ of possession for commercial property

that was part of DOT's condemnation action against landowners, where landowners did not file preliminary objections to DOT's declaration of taking, DOT paid, and landowners accepted, initial and subsequent estimated amounts of compensation for its taking of landowners' commercial property, and Federal Residential Eviction Halt did not apply to DOT's condemnation action because it only pertained to residential evictions.