
EMINENT DOMAIN - PENNSYLVANIA

Peters Township v. Snyder

Commonwealth Court of Pennsylvania - November 8, 2023 - A.3d - 2023 WL 7370938

Property owners brought preliminary objections against township's declaration of taking to connect existing private road with new planned development.

The Court of Common Pleas dismissed owners' objections. Owners appealed.

The Commonwealth Court held that:

- Actual and genuine purpose of taking by township was for public use to improve public safety, and thus, condemnation did not violate United States Constitution or Property Rights Protection Act;
- Condemnation was not excessive, as would have require taking to be overturned;
- Condemnation was not unnecessary; and
- Res judicata did not bar township from approving ordinance to condemn property.

Actual and genuine purpose of taking by township was for public use to improve public safety, and thus, condemnation of property owners' property to connect existing private road with new planned development did not violate United States Constitution or Property Rights Protection Act; connection of road would provide quick access for emergency responses, and benefit to public was primary, while benefit to any private individual was only incidental.

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