

Important Facts for Property Owners About Eminent Domain and PennDOT

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The Pennsylvania Department of Transportation has announced several new multimillion-dollar transportation projects aimed at alleviating hazardous traffic conditions and allowing for faster drive times.

The projects can seem promising, but any optimism may turn into terror for business owners impacted by the construction. PennDOT has been notorious for poor communication and, more significantly, undercompensating property owners for partial or full condemnations of their properties. Additionally, property owners that are not having their properties fully condemned have been faced with grossly delayed construction projects that restrict access and otherwise threaten their businesses.

Property owners should strongly consider talking to an attorney the moment that PennDOT notifies them of a possible condemnation, also known as eminent domain or taking of their property. Property owners should not expect that PennDOT will offer fair compensation for the property it is condemning. With major interstate traffic projects planned in Cumberland, Dauphin, Franklin and York counties in the next five years, many property owners have already been contacted by PennDOT or are just waiting anxiously to see if they will be affected.

Here are some facts property owners should know at the outset of an eminent domain claim:

Eminent domain is guaranteed by the U.S. Constitution. Eminent domain is a real thing, and it allows government agencies such as PennDOT to acquire privately owned land for public purposes.

Property owners are entitled to compensation. Although the ability of the government to condemn a property is difficult to challenge, property owners can receive financial relief to offset the impact to their property value and other related losses. PennDOT will initially set this figure, but property owners often find the amount far too low to compensate for their loss of property.

Property owners will be compensated for related expenses. Property owners can recover mortgage prepayment penalties, reimbursement for attorneys and engineering services (up to \$4,000) and relocation expenses.

Property owners should not ignore this process. PennDOT will make efforts to obtain your agreement to the condemnation. Failure to respond does not make PennDOT go away and will only make PennDOT's offer legally binding and leave property owners without recourse to challenge that figure, however unfair it may be.

Outside professionals are available to help. Condemnation can be a complicated and confusing process. Barley Snyder attorneys work with appraisers and other professionals to help walk property owners through

the process.

Barley Snyder's team of litigation attorneys have experience in condemnation cases. If PennDOT has approached you about acquiring your property through eminent domain and you have questions about the process, please contact Barley Snyder.

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