

Public Water Systems and Eminent Domain

Michael Klein discussed public water systems and eminent domain in The Water News Source. The use of eminent domain for property acquisitions presents significant challenges for public water systems in Pennsylvania, which are regulated by the Pennsylvania Eminent Domain Code. While the Code does not grant Pennsylvania water systems the power of eminent domain, it is granted through various laws regulating investor-owned, authority-owned, and municipal-owned systems categorized as “Acquiring Agencies.” These agencies can acquire parcels, easements, and rights of way through negotiation or condemnation, during which the water systems exercise the power of eminent domain in exchange for “Just Compensation.”

The condemnation process can be lengthy, costly, and complex, often requiring court proceedings, expert witnesses, and occasionally jury trials. The acquiring agency files a Declaration of Taking, and the property owners have the right to contest the taking through preliminary objections. The determination of “Just Compensation” is often the primary issue in these cases and is ultimately based on the fair market value of the property before and after the taking, in addition to other factors, and may require expert valuation testimony. Water systems should engage experienced professionals when litigating such cases.

To read more, [click here](#).



Michael D. Klein

Senior Counsel

mklein@cozen.com
Phone: (717) 703-5903
Fax: (202) 640-5521

Related Practice Areas

- Utility & Energy