

Wise ruling

Posted: Sunday, August 21, 2011 2:00 am

Decision will aid Brownsville redevelopment

Fayette County Judge John F. Wagner has impressed us over the years with his common sense rulings from the bench. He not only has a good grasp of the law but also how it affects local residents.

He showed more good judgment in a recent ruling that could have far-reaching ramifications for local residents.

Wagner recently ruled against Ernest Liggett and three companies who were challenging the Fayette County Redevelopment Authority's eminent domain proceedings in the borough.

The case began back in June 2009, when the Fayette County's Redevelopment Authority took 22 properties owned by Ernest Liggett and his wife, Manor Investments, the Brownsville Group and Alpha Financial, as part of a project to clean up blighted areas in Brownsville.

Last year, on behalf of the Liggetts and the three companies, there were lawsuits asking that the court order the authority to take the remaining 109 properties owned by him or one of the companies, claiming that taking 22 properties left the remaining 109 valueless.

In a July 27 order, Wagner denied that request. Taking into consideration the specious quality of the Liggett claim, we support Wagner's decision.

The redevelopment authority is attempting to revitalize an area of Brownsville that was simply rotting away, and the Liggetts' attempt to force the county into buying additional properties was, in our opinion and that of the court, unfounded.

Moreover, had the lawsuit successfully forced the redevelopment authority into purchasing additional properties, the entire cleanup effort could have been jeopardized, as there was only so much grant money available for the project.

In the end, Wagner determined that the lawsuit's claims of devalued properties didn't hold water. At the evidentiary hearing, Andrew French, director of the redevelopment authority, testified that the properties that were taken were part of a

specific, delineated area set forth in a project to clean up blighted areas in Brownsville.

French testified that none of the properties that were taken from the Liggetts, Manor Investments, the Brownsville Group and Alpha Financial were touching any of the other 128 properties that Robert Downey had alleged the authority should also assume responsibility for.

Dennis Cestra, the vice president of appraisals for Howard Hanna Real Estate, testified that in his opinion, none of the 128 additional properties suffered a negative financial impact because 22 properties were taken by the authority.

Downey, Liggett's attorney, had objected to the June 17 hearing and called no witnesses to support his contention that the authority should be forced to take the other properties.

The refusal to call witnesses or present evidence "has necessarily resulted in their failure to meet their heavy burden of showing that the defendant has substantially deprived them of the use and enjoyment of their property, and has waived the issue by failing to raise the same during the hearing in this matter," Wagner wrote.

The ruling will now pave the way for the project to move forward with hopes that this crucial section of Brownsville can be rebuilt. That's not only a good thing for Brownsville but for all county residents.