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111 North Olive Street, Media, PA 19063

September 29, 2017

Robert W. Scott, Esquire
Solicitor, Media Borough
205 North Monroe Street
P.O. Box 468
Media, Pa. 19063

RE: Broomall Lake Country Club

Dear Mr. Scott:

Please be advised that on behalf of Broomall's Lake Country Club and its membership they object to the Borough's plan to rezone its property which is currently zoned R-2 residential to the proposed Municipal, Educational, Recreational and Community Use District. (MERC).

The Borough's anxious and immediate attempt to re-zone Broomall's Lake Country Club is suspect considering the multiple past issues between the parties, including the issues with the Damn Bridge, etc. An attempt to spot zone it's property to diminish it's value and to convert it to public use would be in violation of its Constitutional Rights under both the Federal and State constitution

Broomall's Lake property is for the benefit of its members. The value of its property is that it can be developed to serve its' membership and its' purpose. Broomall's Lake requires this option in order to meet and or alleviate the increasing costs to maintain its facilities necessary in order to serve its membership. (i.e. the pool which was built in 1965 ,which was necessary due to the pollution of the lake by Media Borough run off) . The funds for the pools were a result of the sale of a portion of its property which now encompasses Hickory Valley Townhouse and Hickory Hill Condominiums.

It is submitted that pursuant to the present zoning Broomall's Lake would have the capacity to develop 14 to 17 townhouses. Each of these townhouses would have a value of anywhere from \$550,000.00 to \$750,000.00.

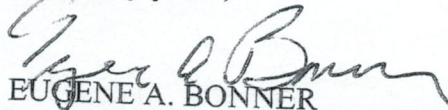
Please be advised that the re-zoning of Broomall's Lake property from its present R-2 status to Municipal, Educational, Recreational and Community Use District would be considered a "taking".

As set forth in the First English Evangelical Lutheran Church of Glendale vs. County of Los Angeles, (United States Supreme Court 1987) as well as Lucas vs. South Carolina Coastal Council, (United States Supreme Court 1992) case:

"Consideration of the compensation question must begin with direct reference to the language of the Fifth Amendment, which provides in relevant part that **"private property [shall not] be taken for public use, without just compensation."** As its language indicates, and as the Court has frequently noted, this provision does not prohibit the taking of private property, but instead places a condition on the exercise of that power. See *Williamson County*, 473 U. S., at 194; *Hodel v. Virginia Surface Mining & Reclamation Assn., Inc.*, 452 U. S. 264, 297, n. 40 (1981); *Hurley v. 315*315 Kincaid*, 285 U. S. 95, 104 (1932); *Monongahela Navigation Co. v. United States*, 148 U. S. 312, 336 (1893); *United States v. Jones*, 109 U. S. 513, 518 (1883). This basic understanding of the Amendment makes clear that it is designed not to limit the governmental interference with property rights per se, but rather to secure compensation in the event of otherwise proper interference amounting to a taking. Thus, government action that works a taking of property rights necessarily implicates the "constitutional obligation to pay just compensation." *Armstrong v. United States*, 364 U. S. 40, 49 (1960).

The downgrading the present zoning would constitute an inverse condemnation of the property and Broomall's Lake would have no other choice but to seek injunctive and/or compensational relief accordingly.

Very truly yours,


EUGENE A. BONNER

EAB/jf

Enc.

Cc: Borough Council