

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Greene Township : **CASES CONSOLIDATED**

v. : No. 775 C.D. 2025

WAG-MYR Woodlands, Inc.,
Edward M. Frimel, Robert W.
Holtzapple and Mary E. Holtzapple,
Timothy Long and Teresa A. Long,
Fernando Martinez, John E. Becker
and Amanda S. Becker, Mark R.
McDermott and Eileen T.
McDermott, John F. Ferster
and Diane M. Ferster, Todd S.
Berkhart and Cynthia L. Berkhart,
Christopher J. Wilson,
Joseph Messinger and Patricia
Messinger, and Ryan C. Spangler

Appeal of: Edward M. Frimel

Greene Township

v. : No. 1376 C.D. 2025

WAG-MYR Woodlands, Inc., : Argued: September 14, 2026

Edward M. Frimel, Robert W.
Holtzapple and Mary E. Holtzapple,
Timothy Long and Teresa A. Long,
Fernando Martinez, John E. Becker
and Amanda S. Becker, Mark R.
McDermott and Eileen T.
McDermott, John F. Ferster
and Diane M. Ferster, Todd S.
Berkhart and Cynthia L. Berkhart,
Christopher J. Wilson,
Joseph Messinger and Patricia
Messinger, and Ryan C. Spangler

Appeal of: Edward M. Frimel, Robert
W. Holtzapple and Mary E. Holtzapple, :

Timothy Long and Teresa A. Long, :
Fernando Martinez, John E. Becker :
and Amanda S. Becker, Mark R. :
McDermott and Eileen T. :
McDermott, John F. Ferster :
and Diane M. Ferster, Todd S. :
Berkhart and Cynthia L. Berkhart, :
Christopher J. Wilson, Joseph :
Messinger and Patricia Messinger, :
and Ryan C. Spangler :

BEFORE: HONORABLE PATRICIA A. McCULLOUGH, Judge
HONORABLE STACY WALLACE, Judge
HONORABLE STELLA M. TSAI, Judge

OPINION

BY JUDGE McCULLOUGH

FILED: October 23, 2026

In these consolidated cases,¹ Edward M. Frimel, *et al.* (Appellants) appeal from the orders entered in the Clinton County Court of Common Pleas (trial court) on May 15, 2025, denying their motion for partial summary judgment and granting the motion for summary judgment filed by Wag-Myr Woodlands, Inc. (Appellee). On appeal, Appellants challenge the trial court's determination that the equitable defenses of laches and equitable estoppel bar this action brought by Greene Township (Township) seeking to enforce compliance with road grading and width provisions included in the Township's Subdivision and Land Development Ordinance (SALDO).² We affirm.

¹ The Township filed two separate lawsuits in the trial court at Docket Nos. 280-2022 and 611-2022. Although the trial court did not formally consolidate the cases, it entered parallel determinations at both docket numbers. (Reproduced Record (R.R.) at 517.) This Court entered an order consolidating the appeals on February 4, 2026.

² Appellants were intervenors before the trial court. The Township did not file a notice of appeal, and is therefore considered an appellee in this matter. (R.R. at 513.) The Township has filed a brief in this Court stating that it joins Appellants' brief in its entirety. (Township's Br., at 1.)

I. Background

The relevant facts and procedural history of this case are as follows. Appellee is a developer that constructed a 35-lot subdivision in the Township, and Appellants are property owners who reside in that development. Appellee purchased the original approximate 700-acre tract in 1993, and thereafter subdivided the land at 16 points in time from 1995 through 2015. (R.R. at 4-5.)

On March 21, 2022, seven years after the final subdivision, the Township filed a complaint at Docket No. 280-2022 against Appellee, alleging that the roads within the development, primarily a two-mile private access road named Wag-Myr Lane serving all of the subdivisions,³ were not constructed in accordance with applicable SALDO⁴ provisions. The Township maintained that Appellee's failure to comply with relevant standards created dangerous conditions for the residents of the development, as the roads did not accommodate safe speeds or allow adequate use by emergency vehicles. (R.R. at 8.) The Township sought a court order compelling Appellee to bring the roads into compliance with the SALDO, and seeking reimbursement of all costs it incurred relating to the lawsuit.

While the action was pending, the Township filed a second lawsuit based on the same factual allegations on June 15, 2022, (Docket No. 611-2022), requesting the trial court to fine Appellee \$500.00 per day until the roads complied with SALDO requirements. (R.R. at 17.) Following discovery, Appellants filed an unopposed petition to intervene in both cases, which the trial court granted.

³ The road is approximately 22 feet wide. (R.R. at 154.) The improvements requested by the Township would cost an estimated \$1,200,000.00, and most of the lots in the development have been sold. (Appellee's Br., at 31; Appellants' Br., at 25.)

⁴ The Township enacted a subdivision ordinance in 1975, and adopted the SALDO in 2007. (R.R. at 25.)

On February 28, 2025, Appellee moved for summary judgment based on the affirmative defenses of laches and equitable estoppel, contending that the Township approved all the subdivisions in the development without conditions approximately 20 years before bringing these actions. Appellee averred that Township Supervisors (Supervisors), and others involved in the approval process, are now deceased or have faded memories of the relevant events, resulting in prejudice warranting dismissal of the lawsuits. (R.R. at 107.) In support of its motion, Appellee attached multiple letters involving the Supervisors, Township meeting minutes, and deposition testimony indicating that the Township approved the subdivisions and roads through informal means. These exhibits included:

- A July 9, 1999 letter from the Supervisors (two of whom are now deceased) to Appellee's then representative, William Baistian, also now deceased, advising, "the subdivision will not be signed until the road is put into Township conditions or can be bonded and made to Township conditions. . . . **The Township will get a contractor to come in and put the road to conditions.**" (R.R. at 117) (emphasis added.)
- The deposition testimony of Marvin Weaver, the only surviving Supervisor named in the July 9, 1999 letter, advising he sustained a serious brain injury impacting his memory in 2023, and was 70 years old at the time of his deposition. Mr. Weaver testified that, during the time he served as Supervisor, **he was not familiar with the specific requirements of the SALDO.** Mr. Weaver indicated that the Township sometimes issued permits **under circumstances not "exactly by the book," and that the Supervisors' "main concern about [Appellee's] roads was that the Township would not be responsible for maintenance or**

upkeep of the road or plowing or anything.” (R.R. at 139.) Mr. Weaver further testified that he did not recall any details regarding the July 9, 1999 letter the Supervisors sent to Appellee, and that, to his knowledge, the Township never sent a contractor out to the roads in the development. (R.R. at 140.) **Mr. Weaver acknowledged that the Supervisors would not have approved any of the subdivisions if they were not satisfied with the road conditions.** (R.R. at 141.)

- A July 16, 2003 letter from Clinton County (County) Planning Director Tim Holladay to the Supervisors noting that the County Planning Commission “appreciated the effort made by [Appellee] to plan for the future, and show a proposed future,” recommending “that **the development proceed in phases starting from the existing improved road.**” (R.R. at 110) (emphasis added.)
- An October 24, 2003 letter from Mr. Holladay to the Supervisors stating in relevant part, “[w]e would like to thank [Appellee] and **Township representatives for attending a site visit** on October 20th.” (R.R. at 112) (emphasis added.)
- A July 21, 2004 letter from Mr. Holladay to the Supervisors advising “**we understand that the Township has agreed that the roads are acceptable as constructed**” and recommending that the roads meet Township width and surfacing standards for future phases as the “build out of the property will result in the current roads becoming inadequate.” (R.R. at 113) (emphasis added.)
- Mr. Holladay’s deposition testimony indicating that he did not recall why he wrote the July 21, 2004 letter or the specific roads he referenced therein, and that he was unfamiliar with Township width and

surfacing standards. Mr. Holladay additionally testified that, during his tenure on the Planning Commission, **he did not believe that the Supervisors were familiar with the requirements of the subdivision ordinances.** (R.R. at 116) (emphasis added.)

- August 3, 2004 minutes of a Supervisors' meeting at which Mr. Bastian and Mr. Holladay were present showing discussion of the road conditions and comment that "that the Township could not be forced to take over care of Wag-Myr Woodlands roads until conditions would be improved for paving construction." (R.R. at 130.) The motion to pass Phase I of the land development upon approval by the Department of Environmental Protection passed.
- Minutes from an October 3, 2005 Supervisors meeting noting: "[Appellee] presented [the] ten plot subdivision to the [] Township Planning Commission. After some discussion, Larry Sheats motioned **to accept the subdivision as presented. Ralph Brungart seconded. Motion carried.** [Appellee] was instructed to now take [the] subdivision over to Tim Holladay, Clinton County Planning Commission for County stamp. [Appellee] agreed [to] take it over [and] gave the secretary [a] \$500.00 check for the ten subdivisions." (R.R. at 133) (emphasis added.)
- A report prepared by Appellee's expert Daniel Vassallo, P.E., P.L.S., in January of 2025 explaining that, beginning with the subdivisions in 1999, [the] Township required language be included on all subdivision plats, agreements of sale, deeds, and other documents with regard to the subdivision, specific reference to the fact that access to the parcels was being conveyed with access provided by private road, that access is not subject

to municipal maintenance, and that the municipality is not responsible for any road construction, maintenance, or improvement at any time in the future. (R.R. at 168.)

- The April 4, 2024 deposition testimony of Lucien Snook, who built Wag-Myr Lane, confirming that **Supervisors Tom Rockey and Ralph Brungart repeatedly examined the road during its construction and gave him “the okay” to continue building.** (R.R. at 153) (emphasis added.)⁵

Appellants filed a motion seeking partial summary judgment, asserting that none of the roads within the development were constructed in accordance with SALDO standards, and that because the Township granted Appellee no legally recognizable waivers or modifications from controlling standards, all of the road must be brought into compliance with the SALDO. (R.R. at 239.)⁶ After extensive briefing by the parties and oral argument, the trial court entered its May 15, 2025 order granting Appellee’s motion for summary judgment and denying Appellants’ motion for partial summary judgment. In its opinion, the trial court observed that Appellee failed to obtain any waivers from SALDO requirements and that “the parties seem to agree that the roads at issue do not comply with relevant ordinances.”⁷ (R.R. at 525.) The court determined, “[h]owever, neither the non-compliance of the roads nor the lack of written waivers to the requirements of the

⁵ Mr. Brungart and Mr. Rockey are now deceased. (R.R. at 525.)

⁶ See Section 512.1(b) of the Pennsylvania Municipalities Planning Code, 53 P.S. § 512.1(b) (providing that “[a]ll requests for a modification shall be in writing and shall accompany and be a part of the application for development”).

⁷ The trial court did not identify any specific ordinance provisions Appellee did not comply with, or when any such provisions were adopted.

relevant ordinances have any bearing on [Appellee's] assertion of laches," and made the following specific findings:

- a) the roads in [Appellee's] development are not compliant with the applicable ordinances;
- b) the Township has done nothing to enforce any ordinance to have the roads brought into compliance until the year 2022;
- c) [Appellee] has made large expenditures in developing its real estate into a residential area;
- d) the Township gave consent which may be construed as informal, since no record could be found concerning official action taken by the Township to grant consent to [Appellee];
- e) [Appellee] relied upon this "informal consent" to extend and further develop [its] real estate; and
- f) the Township did nothing to discourage said development, instead encouraging and consenting to the increase in size of the development.

Concerning [Appellee's] affirmative defense of equitable estoppel, this Court finds as follows:

- a) the Township's action and/or inaction clearly indicates that the Township, until approximately 2022, did not object to the manner in which [Appellee's] roads were constructed;
- b) the Township's pursuit of this action clearly indicates a different position than the Township's actions prior to 2022;
- c) the Township's action and/or inaction caused [Appellee] to further develop [its] real estate;

d) The Township's action and/or inaction induced [Appellee] to develop and continue developing [its] real estate;

e) [Appellee] relied upon the Township's action and/or inaction in developing [its] real estate.

(R.R. at 526-27.) The trial court further concluded:

The [] attorney representing the Township in these civil actions is the Township's Solicitor. Said Solicitor informed this Court during a court session that previous Township Solicitors were consulted, and advised the Township officers that the Township could not bring these actions, as too much time had passed. This buttresses [Appellee's] argument that the Township was aware of the issues raised in these actions and did nothing for an extended period of time.

....

Clearly, the affirmative defense of equitable estoppel applies and bars the Township from succeeding in the instant proceedings. This Court has seldom granted any motion for summary judgment. In this Court's view, grant of summary judgment should be reserved for cases where the facts are clear and it is for this Court to apply the law to the undisputed facts. . . . In the instant cases, the facts are undisputed: [Appellee] developed [its] real estate; the Township approved [Appellee's] plans for said development many times; [Appellee] continued to develop [its] real estate; and now the Township has altered the Township's position. This Court finds that the affirmative defenses of laches and equitable estoppel prevent the Township from bringing these civil actions.

(R.R. at 522, 527.)

Appellants timely appealed and filed a court-ordered⁸ Concise Statement of Errors Complained of on Appeal. *See* Pa.R.A.P. 1925(b). The trial court entered an opinion on July 7, 2025, relying on its previous opinion to explain the rationale for its decision. *See* Pa.R.A.P. 1925(a).

II. Issues

Appellants contend the trial court erred for two independent reasons, namely because: 1) under controlling case law, the affirmative defenses of laches and equitable estoppel cannot be asserted against municipalities in ordinance enforcement proceedings; and 2) even if the defenses were available to Appellee in this action, it failed to meet the heightened standard required to establish the defenses against the Township. (Appellants’ Br., at 9.) We will address these issues *seriatim*.⁹

III. Analysis

Availability of Equitable Defenses

Appellants first challenge the trial court’s application of laches and equitable estoppel to bar this action by arguing that, under Pennsylvania caselaw,

⁸ The trial court’s order instructed that issues not included in the Concise Statement of Errors Complained of on Appeal are waived.

⁹ “In reviewing a grant or denial of summary judgment, this Court may only disturb the order of the trial court where there has been an error of law or a clear or manifest abuse of discretion.” *Ladley v. Pennsylvania State Education Association*, 269 A.3d 680, 686 n.6 (Pa. Cmwlth. 2022). “Nevertheless, our scope of review is plenary and we apply the same standard for summary judgment as the trial court.” *Id.* “Granting of summary judgment is proper where the pleadings, depositions, answers to interrogatories, and admissions on file, together with affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law.” *Edie v. George Junior Republic in Pennsylvania*, 356 A.3d 265, 269 (Pa. Cmwlth. 2026). Additionally, “the record is to be viewed in the light most favorable to the nonmoving party, and all doubts as to the presence of a genuine issue of material fact must be resolved against the moving party.” *Id.*

these affirmative defenses cannot be raised against a municipality in an ordinance enforcement proceeding. (Appellants’ Br., at 4, 9.) However, because Appellants did not raise this issue in their Rule 1925(b) Statement, it is waived.

Our rules of Appellate Procedure prescribe that “issues not included in the Statement and/or not raised in accordance with the provisions of this paragraph (b)(4) are waived.” Pa.R.A.P. 1925(b)(4)(vii). Furthermore, our Supreme Court requires “strict compliance with Rule 1925(b)[,]” and a party’s failure to adhere to this requirement results in waiver. *Commonwealth v. Sutton*, 362 A.3d 25, 34 (Pa. 2026).

Here, a review of Appellants’ Rule 1925(b) Statement demonstrates they failed to argue the defenses of laches and equitable estoppel are never available in municipal enforcement proceedings. (Rule 1925(b) Statement, 7/3/25, at 2-5.) Instead, Appellees **conceded** in their Concise Statement that laches may be applied in such proceedings, contending “laches is only appropriate against municipalities under unique factual situations and should be strictly limited.” *Id.* at 4. Accordingly, Appellants waived their first issue on appeal. *See Sutton*, 362 A.3d at 34.¹⁰

The Doctrine of Laches

Appellants next challenge the trial court’s determination that the doctrine of laches bars this action against Appellee. Appellants contend there was no inordinate delay on the part of the Township in pursuing compliance with the SALDO, and that Appellee suffered no prejudice attributable to any “mere delay.” (Appellants’ Br., at 4, 17-21.) Appellants maintain the trial court erred in granting

¹⁰ Moreover, as we will discuss in detail below, the defenses of laches and equitable estoppel can be asserted in government enforcement actions, but courts require a stronger showing when these equitable doctrines are asserted against governmental entities than against private parties. *See HUF Restaurant, Inc. v. Commonwealth*, 315 A.3d 205, 215 (Pa. Cmwlth. 2024); *Weinberg v. State Board of Examiners of Public Accountants*, 501 A.2d 239, 243 (Pa. 1985).

summary judgment despite acknowledging the road construction did not comply with Township ordinances and Appellee obtained no waivers for the deviations. *Id.* at 14.

“Laches is an equitable doctrine that requires not only the passing of time, but also a showing of prejudice resulting from the delay.” *In re FDR Park*, 344 A.3d 461, 472 (Pa. Cmwlth. 2025). “The application of the equitable doctrine of laches does not depend upon the fact that a certain definite time has elapsed since the cause of action accrued, but whether under the circumstances of the particular case, the complaining party is guilty of want of due diligence in failing to institute his action to another’s prejudice.” *Id.* “Prejudice may be found where a change in the condition or relation of the parties occurs during the time the complaining party failed to act.” *Bonner v. Chapman*, 298 A.3d 153, 164 (Pa. Cmwlth. 2023). “The question of laches is factual and is determined by examining the circumstances of each case.” *Id.* Laches is an affirmative defense that “should never be declared unless the existence thereof is clear on the face of the record.” *In re FDR Park*, 344 A.3d at 472.

Additionally, “[l]aches may be imputed to a municipality that has stood by and permitted large expenditures to be made upon the faith of **municipal consent informally or tacitly given.**” *Tri-County Landfill, Inc. v. Pine Township Zoning Hearing Board*, 83 A.3d 488, 522 (Pa. Cmwlth. 2014) (emphasis added). Our Supreme Court has recognized the availability of the laches defense against “governmental units in numerous cases and in a variety of situations, although the courts will be generally reluctant to apply the doctrine against the government, and will require a stronger showing by a defendant who attempts to apply the doctrine

against the [government] than by one who would apply it against an individual.”
Weinberg, 501 A.2d at 243.

Instantly, the trial court concluded Appellee met this heightened burden, explaining:

According to [Appellee], the first subdivision of the land purchased by [Appellee] occurred twenty-eight (28) years ago, and the most recent subdivision was approved seven (7) years ago. By the Township’s own admission, the Township has approved several phases of the development in the form of proposed 1-10 lot subdivisions between 1994 and 2015. Yet, the initial complaint in this matter was not filed until 2022. There is also a clear lack of due diligence on the part of the Township in enforcing the ordinances. There can be no doubt that the Township could have promptly identified the ordinance violations related to the roads and taken action to bring the roads into compliance without waiting at least seven (7) years. . . . The presence of Township Supervisors on site is further evidence to this Court that the Township could have taken action to correct any deviations from Township ordinances much more promptly than was done via the filing of the instant action. Clearly, there has been a substantial delay arising from the Township’s lack of diligence in enforcing its own ordinances.

It is further clear that [Appellee] has been prejudiced in this matter by the Township’s delay in enforcement. [Appellee] has provided documentary evidence (*i.e.*, letters) spanning decades to and from the [] County Planning Department and various [] Supervisors, including Tim Holladay (who retired and now lacks memory as to why certain actions were taken); William Bastian, the recipient of the July 9, 1999 letter from the Township Supervisors which reflected that the Township would “get a contractor to come in and put the road to conditions”; Marvin J. Weaver, a former [] Supervisor whose name was listed on the July 9, 1999 letter, who

sustained a serious brain injury which affects Mr. Weaver's memory; and Ralph Brungart and Thomas Rockey (two former Township Supervisors who signed some of the subdivisions, both of whom are deceased). It does not strain credulity that, had the Township pursued litigation against [Appellee] promptly instead of waiting at least seven (7) years, more "players" in the approval process of the subdivisions could have offered testimony in support of [Appellee's] position.

(R.R. at 523-25.)

We agree with the trial court, and highlight that our review of the record reflects that the Township's primary concern throughout the road construction process was ensuring its freedom from responsibility for maintaining Wag-Myr Lane. Additionally, the municipal officials overseeing project not only failed to enforce SALDO requirements, but also, by their own admission, **were not familiar with** the controlling standards. (R.R. at 116, 137, 139.) Despite this clear neglect in pursuing SALDO compliance during the construction process, the Township is now seeking a court order compelling Appellee to spend an estimated \$1.2 million dollars to improve the roads, years after Appellee sold the lots and cannot factor the cost of road improvements into the sales price. Based on the foregoing, we are constrained to conclude that the trial court appropriately imputed "[l]aches []to a municipality that has stood by and permitted large expenditures to be made upon the faith of municipal consent informally or tacitly given." *Tri-County Landfill, Inc.*, 83 A.3d at 522.

With respect to Appellants' contention the trial court erred in granting summary judgment where Appellee failed to obtain appropriate waivers, we note the MPC provides:

(b) All requests for a modification [from a subdivision and land development ordinance] shall be in writing and shall

accompany and be a part of the application for development. The request shall state in full the grounds and facts of unreasonableness or hardship on which the request is based, the provision or provisions of the ordinance involved and the minimum modification necessary.

53 P.S. § 10512.1(b).

While Appellants appear to assert that equitable defenses are unavailable when appropriate waivers are not secured, they have cited no legal authority demonstrating the trial court erred in this regard.¹¹ To the contrary, we reiterate that application of laches is a fact-specific, case by case inquiry that turns on “whether, **under the circumstances of the particular case**, the complaining party is guilty of want of due diligence in failing to institute his action to another’s prejudice.” *In re FDR Park*, 344 A.3d at 472 (emphasis added). Appellants’ argument on this issue merits no relief.

Doctrine of Equitable Estoppel

Lastly, Appellants challenge the trial court’s determination equitable estoppel bars this action by arguing there is no evidence the Township either intentionally or negligently misrepresented a material fact concerning Wag-Myr Lane. Appellants also claim Appellee has suffered no detriment attributable to the Township’s actions, as it sold the lots in the development without incurring the costs of proper road construction. (Appellants’ Br., at 4, 22-25.)

It is well settled that “equitable estoppel may arise from an informal promise implied by one’s words, deeds, or representations, that induces reasonable reliance by another to his detriment.” *McLogie Properties, Inc. v. Kidder Township*

¹¹ While Appellants cite to *Guido v. Township of Sandy*, 880 A.2d 1220 (Pa. 2005), a Pennsylvania Supreme Court decision which confirms that a written request for waiver is required under the MPC, that case does not address or involve the question of laches or equitable estoppel. (R.R. at 237.)

Zoning Hearing Board, 298 A.3d 1193, 1205 (Pa. Cmwlth. 2023). “Thus, the two essential elements of equitable estoppel are inducement and justifiable reliance.” *Id.* In reviewing an equitable estoppel determination, we are mindful that “equitable estoppel is a doctrine of fundamental fairness, dependent on the particular facts of each case.” *HUF Restaurant, Inc.*, 315 A.3d at 215.

Furthermore, it is clear that “equitable estoppel may be asserted against the government.” *McLogie Properties, Inc.*, 298 A.3d at 1205. Courts typically “require a stronger showing when estoppel is asserted against a governmental entity than when it is asserted against an individual.” *HUF Restaurant, Inc.*, 315 A.3d at 215. Specifically, to apply the doctrine of equitable estoppel to a government entity to bar an action:

the party sought to be estopped (1) must have intentionally or negligently misrepresented some material fact; (2) known or had reason to know that the other party would justifiably rely on the misrepresentation; and (3) induced the other party to act to his detriment because of his justifiable reliance on the misrepresentation. In addition, one who asserts estoppel must establish the essential elements thereof by clear, precise, and unequivocal evidence.

Id. at 215 (brackets omitted.)

Instantly, the elements of misrepresentation, justifiable reliance and inducement were met because Township officials failed to enforce any ordinance provision during road construction in the development despite repeatedly visiting the site, and instead chose to “okay” Appellee’s progress, allowing construction to continue. (R.R. at 153.) Despite its apparent approval of the project, the Township made a belated decision to change course and seek enforcement of the SALDO after nearly two decades had passed since Appellee began construction of Wag-Myr Lane.

At that point, Appellee had already sold the lots in the development without factoring in the cost of road improvements, and most of the individuals involved in the construction process were either deceased or unable to recall relevant events.

Based on the foregoing and mindful that “equitable estoppel is a doctrine of fundamental fairness, dependent on the particular facts of each case,” *HUF Restaurant, Inc.*, 315 A.3d at 215, we conclude that, in addition to laches, Appellee is entitled to application of the doctrine of equitable estoppel to preclude the Township’s enforcement of SADLO provisions it failed to enforce or even familiarize itself with during the construction of Wag-Myr Lane. Accordingly, because Appellants’ issues on appeal merit no relief, we affirm the orders of the trial court.

PATRICIA A. McCULLOUGH, Judge

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ORDER

AND NOW, this 23rd day of October, 2026, the orders of the Court of
Common Pleas of Clinton County dated May 15, 2025 are hereby AFFIRMED.

PATRICIA A. McCULLOUGH, Judge