

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2172 Session of  
1989

INTRODUCED BY MURPHY, DECEMBER 6, 1989

REFERRED TO COMMITTEE ON TRANSPORTATION, DECEMBER 6, 1989

AN ACT

1 Amending the act of April 9, 1929 (P.L.177, No.175), entitled  
2 "An act providing for and reorganizing the conduct of the  
3 executive and administrative work of the Commonwealth by the  
4 Executive Department thereof and the administrative  
5 departments, boards, commissions, and officers thereof,  
6 including the boards of trustees of State Normal Schools, or  
7 Teachers Colleges; abolishing, creating, reorganizing or  
8 authorizing the reorganization of certain administrative  
9 departments, boards, and commissions; defining the powers and  
10 duties of the Governor and other executive and administrative  
11 officers, and of the several administrative departments,  
12 boards, commissions, and officers; fixing the salaries of the  
13 Governor, Lieutenant Governor, and certain other executive  
14 and administrative officers; providing for the appointment of  
15 certain administrative officers, and of all deputies and  
16 other assistants and employes in certain departments, boards,  
17 and commissions; and prescribing the manner in which the  
18 number and compensation of the deputies and all other  
19 assistants and employes of certain departments, boards and  
20 commissions shall be determined," authorizing the Department  
21 of Transportation to convey excess real property to  
22 governmental agencies, quasi-governmental agencies and  
23 authorities.

24 The General Assembly of the Commonwealth of Pennsylvania  
25 hereby enacts as follows:

26 Section 1. Section 2003(e)(7) of the act of April 9, 1929  
27 (P.L.177, No.175), known as The Administrative Code of 1929,  
28 amended December 7, 1979 (P.L.478, No.100), is amended to read:

Section 2003. Machinery, Equipment, Lands and Buildings.--

The Department of Transportation in accord with appropriations made by the General Assembly, and grants of funds from Federal, State, regional, local or private agencies, shall have the power, and its duty shall be:

\* \* \*

(e) \* \* \*

(7) Any other provisions of this act to the contrary notwithstanding, the department may sell at public sale any land acquired by the department if the secretary determines that the land is not needed for present or future transportation purposes:

(i) Improved land shall first be offered to other governmental agencies, quasi-governmental agencies and authorities. If none of the agencies or authorities acquire the property, the improved land occupied by a tenant of the department shall [first] then be offered to the tenant at its fair market value as determined by the department, except that if the tenant is the person from whom the department acquired the land, it shall be offered to the tenant at the acquisition price, less costs, expenses and reasonable attorneys' fees incurred by the person as a result of the acquisition of the land by the department. If there is no tenant and the person from whom the department acquired the land did not receive a replacement housing payment under section 602-A of the "Eminent Domain Code," or under former section 304.3 of the act of June 1, 1945 (P.L.1242, No.428), known as the "State Highway Law," the land to be sold shall first be offered to such person at the acquisition price, less costs, expenses and reasonable attorneys' fees incurred by the person as a result of the

1 acquisition of the land by the department.

2 (ii) Unimproved land shall first be offered to other  
3 governmental agencies, quasi-governmental agencies and  
4 authorities. If none of the agencies or authorities acquire the  
5 property, the unimproved land shall [first] then be offered to  
6 the person from whom it was acquired at its acquisition price,  
7 less costs, expenses and reasonable attorneys' fees incurred by  
8 the person as a result of the acquisition of the land by the  
9 department, if the person still retains title to land abutting  
10 the land to be sold. If the land abutting the land to be sold  
11 has been conveyed to another person, the land to be sold shall  
12 first be offered to that person at its fair market value as  
13 determined by the department.

14 (iii) Notice of the offer described in either subclause (i)  
15 or (ii) shall be sent by certified mail, or, if notice cannot be  
16 so made, in the manner required for "in rem" proceedings. The  
17 offeree shall have one hundred twenty (120) days after receipt  
18 of notice to accept the offer in writing.

19 (iv) Revenue from any sale of land acquired with motor  
20 license funds shall be deposited in the Motor License Fund.

21 \* \* \*

22 Section 2. This act shall take effect in 60 days.