

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 962 Session of
1997

INTRODUCED BY PETRONE, HERMAN, BAKER, DENT, LEH, ITKIN, STABACK,
BELARDI, ARGALL, DeLUCA, BATTISTO, CAWLEY, TRAVAGLIO,
RAYMOND, GEIST, GLADECK, VAN HORNE, BROWNE, L. I. COHEN,
HENNESSEY, FARGO, BENNINGHOFF, RAMOS, STETLER, STEELMAN AND
CIVERA, MARCH 25, 1997

REFERRED TO COMMITTEE ON URBAN AFFAIRS, MARCH 25, 1997

AN ACT

1 Amending the act of August 9, 1955 (P.L.323, No.130), entitled
2 "An act relating to counties of the third, fourth, fifth,
3 sixth, seventh and eighth classes; amending, revising,
4 consolidating and changing the laws relating thereto,"
5 further providing for authority to sell or lease real
6 property.

7 The General Assembly of the Commonwealth of Pennsylvania
8 hereby enacts as follows:

9 Section 1. Section 2306 of the act of August 9, 1955
10 (P.L.323, No.130), known as The County Code, amended November
11 23, 1994 (P.L.640, No.98), is amended to read:

12 Section 2306. Authority to Sell or Lease Real Property.--(a)
13 The board of commissioners may sell for not less than the fair
14 market value or lease, either as lessor or lessee, any real
15 property belonging to the county or to others where the county
16 is lessee. If the commissioners know or have reason to believe
17 that the property to be sold contains oil, gas, coal, stone,
18 timber or other mineral or forest products of commercial value,

1 such knowledge or belief shall be advertised together with the
2 description of the land in at least two newspapers, in said
3 county, of general circulation, once a week for three
4 consecutive weeks. The fair market value of real property in the
5 case of a sale shall be determined by the county commissioners
6 in consultation with the county assessor and two licensed real
7 estate brokers doing business within the county. In the case of
8 any lease of county property hereunder, such property, with any
9 and all improvements or additions thereon or thereto, shall, in
10 the hands of the lessee, be subject to taxation by such county
11 and any other political subdivision therein, in the same manner
12 as other real estate located in the county. Such taxes shall be
13 levied and assessed against and paid by the lessee. This section
14 shall not apply to leases or sales of county property or other
15 property which are otherwise specifically provided for by law.

16 (b) The provisions of subsection (a) shall not be mandatory
17 where county real property is to be sold to any of the
18 following:

19 (1) A city, borough, town, township, institution district,
20 school district, volunteer fire company, volunteer ambulance
21 service or volunteer rescue squad located within the county.

22 (2) A municipal authority pursuant to the act of May 2, 1945
23 (P.L.382, No.164), known as the "Municipality Authorities Act of
24 1945."

25 (3) A nonprofit corporation engaged in community industrial,
26 commercial or affordable housing development or reuse for its
27 exclusive use for industrial, commercial or affordable housing
28 development. This exemption shall not apply to property owned
29 and operated by a county or subcontracted or operated on the
30 behalf of a county in order to conduct existing government

1 functions.

2 (4) A person for his exclusive use in an industrial
3 development program.

4 (5) A nonprofit corporation organized as a public library
5 for its exclusive use as a library.

6 (6) A nonprofit medical service corporation for its
7 exclusive use as a site for a medical service facility.

8 (7) A nonprofit housing corporation for its exclusive use
9 for housing for the elderly or for low-income housing.

10 (8) The Federal Government.

11 (9) The Commonwealth.

12 When the real property is to be sold or leased to a qualified
13 entity under this subsection, the board of commissioners may
14 elect to accept such nominal consideration for such sale as it
15 shall deem appropriate. Real property sold pursuant to this
16 subsection to any entity under this subsection, other than a
17 city, borough, town, township, institution district, school
18 district, municipal authority pursuant to the "Municipality
19 Authorities Act of 1945," located within the county, the Federal
20 Government or the Commonwealth shall be subject to the condition
21 that when the property is not used for the purposes of the
22 entity the property shall revert to the county.

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