

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 223

Session of
1981

INTRODUCED BY A. K. HUTCHINSON, A. C. FOSTER, JR., LEVI,
LIVENGOOD, PETRARCA, CLARK AND FRYER, JANUARY 26, 1981

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
FEBRUARY 18, 1981

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 eliminating the requirement of court approval for
6 commissioners to acquire, sell or lease certain lands and
7 buildings AND REQUIRING A DETERMINATION OF FAIR MARKET VALUE. <—

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

10 Section 1. The heading and subsection (a) of section 2305,
11 act of August 9, 1955 (P.L.323, No.130), known as "The County
12 Code," amended July 31, 1963 (P.L.372, No.200), are amended to
13 read:

14 Section 2305. Acquiring and Using Real Property; [Court
15 Approval;] Exceptions.--(a) The county commissioners may
16 purchase FOR NOT MORE THAN THE FAIR MARKET VALUE, take by gift, <—
17 devise or by the power of eminent domain, in accordance with the
18 provisions of this act, such real property at the county seat or
19 in such other places, as may be authorized by law, as they deem

1 necessary for the purposes of a county courthouse, county jail,
2 prison, workhouse, detention house or other county building, and
3 in counties of the fourth, fifth, sixth, seventh and eighth
4 classes, lands and buildings for the care of dependents and
5 farms, either in acquisition of a building suitable for such
6 purposes, or in the construction of a new building, or in the
7 alteration, including enlargement, of an existing county
8 building. [Any purchase herein authorized shall be subject to
9 the approval of the court of common pleas of the county as to
10 purchase price, and no such contract shall bind the county, nor
11 shall any conveyance be valid until the court has so approved
12 the purchase price.] THE FAIR MARKET VALUE OF REAL PROPERTY IN <—
13 THE CASE OF A PURCHASE SHALL BE DETERMINED BY THE COUNTY
14 COMMISSIONERS IN CONSULTATION WITH THE COUNTY ASSESSOR AND TWO
15 LICENSED REAL ESTATE BROKERS DOING BUSINESS WITHIN THE COUNTY.
16 In [addition to such approval,] any acquisition of lands and
17 buildings for the care of dependents and farms shall be subject
18 to approval of the Department of Public Welfare as to
19 suitability.

20 * * *

21 Section 2. Section 2305.1 of the act added September 1, 1965
22 (P.L.452, No.230), is amended to read:

23 Section 2305.1. Acquiring and Developing Industrial Areas.--
24 The county commissioners may purchase, take by gift or devise
25 real property within the county including Federal surplus real
26 property, for the purpose of developing the same for industrial
27 use under a local, regional or county plan and to expend funds
28 to bring utilities within such county industrial area and to
29 develop such area for industrial sites. [Any purchase herein
30 authorized shall be subject to the approval of the court of

1 common pleas of the county as to the purchase price and no
2 contract shall bind the county, nor shall any conveyance be
3 valid until the court has approved the purchase price. After the
4 court has approved the purchase price thereof, the same] The
5 land so purchased may be developed as stated and may be sold
6 only to a local industrial development corporation, [upon the
7 approval of the court of the price at which the same is to be
8 sold].

9 Section 3. Sections 2306 and 2311 of the act are amended to
10 read:

11 Section 2306. Authority to Sell or Lease Real Property.--The
12 board of commissioners may sell FOR NOT LESS THAN THE FAIR <—
13 MARKET VALUE or lease, either as lessor or lessee, any real
14 property belonging to the county or to others where the county
15 is lessee. [In the event of such sale, or of a lease as lessor
16 under which the lessee acquires on a royalty basis or otherwise
17 the right to drill for oil or gas or to mine or remove coal,
18 stone or other mineral products or to cut and remove trees,
19 stumps, wood or other forest products, the commissioners shall
20 petition the court of common pleas, setting forth a description
21 of the property to be sold or leased and the reason therefor. If
22 the commissioners know or have reason to believe that the
23 property to be sold contains oil, gas, coal, stone, timber or
24 other mineral or forest products of commercial value, such
25 knowledge or belief shall be stated together with the
26 description. The court shall thereupon fix a day for hearing,
27 notice of which shall be given in at least two newspapers, in
28 said county, of general circulation, once a week for three
29 consecutive weeks. After hearing, the court shall make such
30 order and decree as shall seem right and proper.] THE FAIR <—

MARKET VALUE OF REAL PROPERTY IN THE CASE OF A SALE SHALL BE
DETERMINED BY THE COUNTY COMMISSIONERS IN CONSULTATION WITH THE
COUNTY ASSESSOR AND TWO LICENSED REAL ESTATE BROKERS DOING
BUSINESS WITHIN THE COUNTY. In the case of any lease of county
property hereunder, such property, with any and all improvements
or additions thereon or thereto, shall, in the hands of the
lessee, be subject to taxation by such county and any other
political subdivision therein, in the same manner as other real
estate located in the county. Such taxes shall be levied and
assessed against and paid by the lessee. This section shall not
apply to leases or sales of county property or other property
which are otherwise specifically provided for by law.

Section 2311. Disposing of County Property for Other Uses;
Demolition; Court Approvals.--Whenever any new county building
is constructed to replace a county building no longer suitable
for the purposes of its use, or whenever the county has or
acquires, incident to purchase at tax sale or to any other
acquisition of land authorized by law, any building, title and
interest to which is in the county, and any such replaced or
acquired building is deemed no longer suitable or not suitable
for use as a county building or for use as an auxiliary to any
county building, the county commissioners may, [with the
approval of the court of common pleas,] devote said replaced or
acquired building to such other public use or purpose as shall
be found suitable and proper, including a war memorial. They
may, [with the approval of said court,] convey all or a part of
the title and interest of the county in such building, with or
without the land or a part of the land upon which it is situate,
either by sale or by gift, to any public or charitable
institutions or to any political subdivisions singly, in common,

1 or jointly, within the county.

2 The county commissioners may remove any such building from
3 one location to another within the county, [with the approval of
4 the court of common pleas,] for the purpose of enabling its use
5 as a county building by virtue of its relocation. The
6 commissioners may cause any such building to be demolished and
7 removed from land of the county, if of no use to the county [,
8 upon the approval of the court of common pleas, upon due cause
9 shown].

10 Section 4. Subsections (a) and (b) of section 2315 of the
11 act, subsection (b) amended April 26, 1963 (P.L.28, No.25), are
12 amended to read:

13 Section 2315. Authority and Procedure for Acquiring,
14 Constructing or Altering County Buildings; Exceptions.--(a) The
15 county commissioners may purchase or take by gift any building
16 at the county seat or elsewhere as authorized by law deemed
17 suitable and proper by them for use as a county building. [No
18 purchase thereof shall be made unless approved by the court of
19 common pleas of the county as to suitability and as to all terms
20 of the contract, including the purchase price.]

21 (b) The county commissioners may provide, in accordance with
22 this section, for the construction or alteration, including
23 enlargement of a county court house, county jail, prison,
24 workhouse, detention house and such other county buildings, as
25 may be required or authorized by law. Such construction or
26 alteration shall be done at the county seat or elsewhere as
27 authorized by law. Whenever the county commissioners undertake
28 any such construction or alteration, they shall cause to be
29 prepared plans and specifications therefor. [and shall submit
30 such plans and specifications of any county court house, county

1 jail, prison, workhouse or detention home as are approved by
2 them to the judges of the court of common pleas for approval. If
3 the said court, upon due consideration and such hearings and
4 other measures as it may desire, approve the said plans and
5 specifications as submitted or as modified, the] The county
6 commissioners may secure bids for the contract or contracts
7 involved in the construction or alteration in accordance with
8 this act. Any such contract or contracts shall be made as
9 provided by this act [, but shall, in addition, be subject to
10 the approval of the court of common pleas as being in accordance
11 with the plans and specifications approved by it, and otherwise
12 proper and authorized by law. The said court may, in each case,
13 follow such procedures, hear such witnesses, or call for such
14 evidence, as shall inform its judgments regarding such
15 approvals].

16 * * *

17 Section 5. This act shall take effect immediately.