

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2019 Session of  
2005

INTRODUCED BY BEYER, FEESE, E. Z. TAYLOR, HERMAN, LEH, B. SMITH,  
ARMSTRONG, BOYD, CALTAGIRONE, CAUSER, CORRIGAN, CREIGHTON,  
DALEY, GINGRICH, GOOD, GOODMAN, HERSHEY, KILLION, MAHER,  
MARKOSEK, MUSTIO, SCHRODER, SHANER, R. STEVENSON, WATSON,  
WILT, YOUNGBLOOD AND SIPTROTH, OCTOBER 13, 2005

REFERRED TO COMMITTEE ON JUDICIARY, OCTOBER 13, 2005

AN ACT

1 Amending the act of June 22, 1964 (Sp.Sess., P.L.84, No.6),  
2 entitled "An act to codify, amend, revise and consolidate the  
3 laws relating to eminent domain," further providing for  
4 abandonment of project.

5 The General Assembly of the Commonwealth of Pennsylvania  
6 hereby enacts as follows:

7 Section 1. Section 410 of the act of June 22, 1964  
8 (Sp.Sess., P.L.84, No.6), known as the Eminent Domain Code,  
9 amended February 18, 1982 (P.L.43, No.25), is amended to read:

10 Section 410. Abandonment of Project.--(a) If a condemnor  
11 has condemned a fee and thereafter abandons the purpose for  
12 which the property has been condemned, the condemnor may dispose  
13 of it by sale [or otherwise: Provided, however, That if], lease,  
14 gift, devise or other transfer with the following restrictions:

15 (1) If the property has not been substantially improved, it  
16 may not be disposed of within three years after condemnation  
17 without first being offered to the condemnee at the same price

1 paid to the condemnee by the condemnor[: And provided further,  
2 That if].

3 (2) If the property is [not located within] located outside  
4 the corporate boundaries of a county of the first or second  
5 class and has not been substantially improved and was devoted to  
6 agricultural use at the time of the condemnation, it may not be  
7 disposed of within twelve years after condemnation without first  
8 being offered to the condemnee at the same price paid to the  
9 condemnee by the condemnor. The condemnee shall be served with  
10 notice of the offer in the same manner as prescribed for the  
11 service of notices in subsection (b) of section 405 of this act,  
12 and shall have ninety days after receipt of such notice to make  
13 written acceptance thereof.

14 (3) If the property has not been substantially improved and  
15 the offers required to be made under paragraphs (1) and (2) have  
16 not been accepted, the property shall not be disposed of by any  
17 condemnor, acquiring agency or subsequent purchaser for a  
18 nonpublic use or purpose for a period of no less than thirty  
19 years from the date of abandonment of the purpose for which the  
20 property was originally condemned.

21 (b) The condemnor may not condition any offer required to be  
22 made to a condemnee under subsection (a), on the payment by the  
23 condemnee of additional fees, real estate taxes or payments in  
24 lieu of taxes or other costs.

25 (c) As used in this section:

26 "Agricultural commodity" means any and all plant and animal  
27 products including Christmas trees produced in this State for  
28 commercial purposes.

29 "Agricultural use" means use of the land for the purpose of  
30 producing an agricultural commodity or when devoted to and

1 meeting the requirements and qualifications for payments or  
2 other compensation pursuant to a soil conservation program under  
3 an agreement with an agency of the Federal Government. Land  
4 containing a farmhouse or other buildings related to farming  
5 shall be deemed to be in agricultural use.

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