



**HOUSE COMMITTEE ON APPROPRIATIONS**  
2009-10 Legislative Session

**FISCAL NOTE**

**HOUSE BILL: 109**

**PRINTER'S NO: 2417**

**PRIME SPONSOR: Manderino**

<b>FISCAL IMPACT SUMMARY</b>	<b>FY 2009/10</b>	<b>FY 2010/11</b>
<b>Expenditure Increase/(Decrease):</b>		
General Fund	\$0	\$0

**OVERVIEW:**

House Bill 109 authorizes:

- Lower Merion Township, Montgomery County, to sell and convey certain Project 70 lands free of restrictions imposed by the Project 70 Land Acquisition and Borrowing Act, in return for the imposition of Project 70 restrictions on other land to be acquired by the township.
- The City of Warren, Warren County, to sell and convey certain Project 70 lands free of restrictions imposed by the Project 70 Land Acquisition and Borrowing Act.
- The City of Wilkes-Barre, Luzerne County, to convey a fee interest in certain Project 70 lands free of restrictions imposed under the Project 70 Land Acquisition and Borrowing Act.
- The Borough of Old Forge, Lackawanna County, to transfer, sell and convey certain Project 70 lands free of restrictions imposed by the Project 70 Land Acquisition and Borrowing Act.

This act shall take effect immediately.

**ANALYSIS:**

Lower Merion Township, Montgomery County

House Bill 109 authorizes the release of Project 70 restrictions and the sale of .346 acres owned by Lower Merion Township, Montgomery County for the fair market appraised value of \$180,000.

The bill requires the township to use the proceeds from the sale to acquire replacement land of equal value and equivalent usefulness within two years. The Department of Conservation and Natural Resources (DCNR) must approve the replacement land. Any funds remaining from the sale after the two year period are to be deposited into the Project 70 Land Acquisition Sinking Fund.

Should the township fail to acquire replacement Project 70 lands within two years, DCNR may enforce provisions of Section 20 of the Project 70 Land Acquisition and Borrowing Act requiring the township to reimburse the Commonwealth for the amount provided for the original purchase of the land plus interest.

All costs and fees incidental to this conveyance shall be borne by the grantee.

City of Warren, Warren County

House Bill 109 authorizes the release of Project 70 restrictions and the sale of two parcels of land consisting of .74 acres owned by the City of Warren, Warren County for the fair market appraised value of \$81,500.

The City of Warren shall deposit proceeds from the sale in a special account for acquisition or development of park land, to include a ball field, parking lot and access road. Use of funds from the account must be approved by DCNR. Any funds remaining in the special account after five years of the date of deposit shall be paid to the Commonwealth for deposit into the Project 70 Land Acquisition Sinking Fund.

City of Wilkes-Barre, Luzerne County

House Bill 109 authorizes the General Assembly to release land from Project 70 Use Restrictions, including, but not limited to, three parcels within a 33-acre tract of land owned by the City of Wilkes-Barre. As determined by an independent certified appraisal, the replacement lands have a fair market value, which is equal to or greater than the fair market value of the released lands.

In exchange for the release of restrictions on this land, Project 70 land use restrictions will be imposed on three parcels of land consisting of 3.11 acres owned by and located in the City of Wilkes-Barre.

The bill further provides that the City of Wilkes-Barre shall submit the replacement lands to the same Project 70 restrictions previously imposed upon the released lands to the Office of the Recorder of Deeds in Luzerne County within 30 days following adoption of this act.

All costs and fees incidental to this conveyance shall be borne by the grantee.

Borough of Old Forge, Lackawanna County

House Bill 109 authorizes the release of Project 70 restrictions and the sale of .912 acres owned by the Borough of Old Forge, Lackawanna County for a consideration of not less than \$5,000, which represents the fair market appraised value as noted in the bill.

The Borough of Old Forge shall deposit proceeds from the sale in a special account established by the Borough for the maintenance, improvement, and development of Pagnotti Park.

The adoption of House Bill 109 should have no adverse impact on Commonwealth funds.

**PREPARED BY:** Antoinette L. Marchowsky, Budget Analyst  
House Appropriations Committee, (D)

**DATE:** July 13, 2009

**General Note and Disclaimer:** *This Fiscal Note was prepared pursuant to House Rule 19(a), and the elements considered and reported above are required by Section 5 of the rule. Estimates are calculated using the best information available. Actual costs and revenue impact incurred may vary from estimates.*