

SECOND CLASS TOWNSHIP CODE - SALE OF REAL PROPERTY OWNED BY
TOWNSHIP

Act of May. 18, 2004, P.L. 226, No. 33

Cl. 73

Session of 2004

No. 2004-33

HB 2190

AN ACT

Amending the act of May 1, 1933 (P.L.103, No.69), entitled, as reenacted and amended, "An act concerning townships of the second class; and amending, revising, consolidating and changing the law relating thereto," further providing for sale of real property owned by township.

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

Section 1. Section 1503 of the act of May 1, 1933 (P.L.103, No.69), known as The Second Class Township Code, reenacted and amended November 9, 1995 (P.L.350, No.60) and amended February 21, 2002 (P.L.153, No.12), is amended to read:

Section 1503. Real Property.--(a) No real estate owned by the township having a value in excess of fifteen hundred dollars (\$1,500) may be sold except to the highest bidder after due notice by advertisement for bids or advertisement of a public auction in one newspaper of general circulation in the township. The advertisement shall be published once not less than ten days before the date set for the opening of bids or public auction, and the date for opening bids or public auction shall be announced in the advertisement. The award of contracts shall be made only by public announcement at a regular or special meeting of the board of supervisors or at the public auction. All bids shall be accepted on the condition that payment of the purchase price in full shall be made within sixty days of the acceptance of bids.

(b) The board of supervisors may reject all bids if the bids are deemed to be less than the fair market value of the property. In the case of a public auction, the board of supervisors may establish a minimum bid based on the fair market value of the real property.

(c) The requirements of this section do not apply to conveyances or leases of real property by a township to any [municipal corporation, the Federal Government, the Commonwealth, or any institution district, school district, municipality authority, county, public utility, volunteer fire company, nonprofit corporation engaged in community industrial, commercial or affordable housing development, volunteer ambulance service or volunteer rescue squad located within the township, nonprofit corporation organized as a public library, nonprofit medical service corporation, nonprofit housing corporation, nonprofit organizations providing community service or development activities or nonprofit corporation established for the preservation of historical, architectural or aesthetic sites or artifacts. Such conveyances or leases shall be at the sole discretion of the township.] **of the following:**

- (1) **A municipal corporation.**
- (2) **The Federal Government.**
- (3) **The Commonwealth**

- (4) An institution district.
- (5) A school district.
- (6) A municipality authority.
- (7) A county.
- (8) A public utility.
- (9) A volunteer fire company.
- (10) A nonprofit corporation engaged in community industrial, commercial or affordable housing development.
- (11) A volunteer ambulance service or volunteer rescue squad located within the township.
- (12) A nonprofit corporation organized as a public library.
- (13) A nonprofit medical service corporation.
- (14) A nonprofit housing corporation.
- (15) A nonprofit organization providing community service or development activities.
- (16) A nonprofit corporation established for the preservation of historical, architectural or aesthetic sites or artifacts.
- (17) A nonprofit association or nonprofit corporation organized to acquire and maintain real property for the preservation, conservation and stewardship of open space. Such conveyances or leases shall be at the sole discretion of the township.

(d) When real property is sold to a nonprofit corporation organized as a public library or to a nonprofit medical service corporation, nonprofit housing corporation, volunteer fire company, volunteer ambulance service or volunteer rescue squad, the board of supervisors may elect to accept any nominal consideration for the property as it believes appropriate. Real property sold under this subsection is subject to the condition that when the property is not used for the purposes of the corporation or volunteer fire company, the property reverts to the township.

(e) No real estate may be purchased by a township unless the board of supervisors obtains at least one appraisal on the real property in question by a person authorized to perform an appraisal on the subject property under the act of July 10, 1990 (P.L.404, No.98), known as the "Real Estate Appraisers Certification Act," and the township supervisors may require that an environmental impact statement be prepared, indicating the potential liability of the township for any environmental problems associated with the real estate to be purchased. The person making the appraisal shall not be interested directly or indirectly in any aspect of the sale of the real estate. The price paid by the board of supervisors for the purchase of the real estate shall not exceed the price established by the appraisal: Provided, however, That if more than one appraisal is obtained, the price paid by the board of supervisors shall not exceed the average of the appraisals.

(f) When real property has been dedicated, deeded or devised to a township to be used for a designated purpose and the real property is accepted and used for that purpose, or the real property is not used for the purpose designated for a period of ten years or more, and the township supervisors determine that it is not possible or not desirable for the best interest of the township to use the real property for the purpose designated, the township supervisors, with the prior approval of the court of common pleas, may by ordinance reconvey to the original owners or their successors, heirs or assigns, or otherwise dispose of, the real property free and clear of any public right.

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

APPROVED--The 18th day of May, A. D. 2004.

EDWARD G. RENDELL