

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 1443 Session of
1999

INTRODUCED BY CLYMER, TRELLO, ARGALL, BENNINGHOFF, BUNT, CIVERA,
M. COHEN, COLAFELLA, DeWEESE, FAIRCHILD, GEIST, HARHAI,
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RAMOS, RUBLEY, SEYFERT, TANGRETTI, E. Z. TAYLOR, WOJNAROSKI,
YOUNGBLOOD, ZUG, THOMAS AND MAHER, MAY 5, 1999

SENATOR LOEPER, RULES AND EXECUTIVE NOMINATIONS, IN SENATE, RE-
REPORTED AS AMENDED, OCTOBER 11, 2000

AN ACT

1 ~~Amending the act of July 9, 1959 (P.L.510, No.137), entitled, as~~ <—
2 ~~amended, "An act relating to the public lands of the~~
3 ~~Commonwealth; defining such land; providing for the sale of~~
4 ~~vacant and unimproved public lands and the price to be paid~~
5 ~~therefor; providing for the conveyance of title to vacant and~~
6 ~~unappropriated public land to the Department of Forests and~~
7 ~~Waters for forest culture, forest reservation, or State park~~
8 ~~purposes; providing for the conveyance of title to all public~~
9 ~~lands for which applications have been made or warrants~~
10 ~~issued and to all persons having rights by settlement and~~
11 ~~improvement upon payment of the purchase price; providing for~~
12 ~~the release of liens for unpaid purchase price in certain~~
13 ~~cases; preventing the granting of title to lands and islands~~
14 ~~in the bed of navigable rivers and streams declared by law to~~
15 ~~be public highways except in certain cases; and prescribing~~
16 ~~the duties of the Department of Community Affairs with~~
17 ~~respect to the administration of the public lands and the~~
18 ~~records thereof, including surveys of county and Commonwealth~~
19 ~~boundaries and documents having to do with early titles,"~~
20 ~~expanding the scope of the act; further providing for a short~~
21 ~~title, for definitions, for administration, for warrant and~~
22 ~~patent applications, for application procedure, for~~
23 ~~administrative procedure, for application for patents, for~~
24 ~~appraisals, for expenses, for abandonment of applications and~~
25 ~~for issuance of patents; making editorial changes; and making~~
26 ~~repeals.~~
27 AMENDING TITLE 68 (REAL AND PERSONAL PROPERTY) OF THE <—
28 PENNSYLVANIA CONSOLIDATED STATUTES, CODIFYING AND AMENDING
29 PROVISIONS ON PUBLIC LANDS; AND MAKING REPEALS.

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

3 ~~Section 1. The title of the act of July 9, 1959 (P.L.510,~~ <—
4 ~~No.137), known as the Pennsylvania Public Lands Act, amended~~
5 ~~July 18, 1968 (P.L.424, No.196), is amended to read:~~

6 ~~AN ACT~~

7 ~~Relating to the public lands of the Commonwealth; defining such~~
8 ~~land; providing for the sale of vacant and unimproved public~~
9 ~~lands and the price to be paid therefor; providing for the~~
10 ~~conveyance of title to vacant and unappropriated public land~~
11 ~~to the Department of [Forests and Waters] CONSERVATION AND <—~~
12 ~~NATURAL RESOURCES for forest culture, forest reservation, or~~
13 ~~State park purposes; providing for the conveyance of title to~~
14 ~~all public lands for which applications have been made or~~
15 ~~warrants issued and to all persons having rights by~~
16 ~~settlement and improvement upon payment of the purchase~~
17 ~~price; providing for the release of liens for unpaid purchase~~
18 ~~price in certain cases; preventing the granting of title to~~
19 ~~lands and islands in the bed of navigable rivers and streams~~
20 ~~declared by law to be public highways except in certain~~
21 ~~cases; and prescribing the duties of the Department of~~
22 ~~[Community Affairs] Conservation and Natural Resources with~~
23 ~~respect to the administration of the public lands and the~~
24 ~~records thereof, including surveys of county and Commonwealth~~
25 ~~boundaries and documents having to do with early titles.~~

26 ~~Section 2. The act is amended by adding an article heading~~
27 ~~to read:~~

28 ~~ARTICLE I~~

29 ~~PRELIMINARY PROVISIONS~~

30 ~~Section 3. Section 1 of the act is amended to read:~~

~~Section [1] 101. Short Title. This act shall be known and may be cited as the "[Pennsylvania] Public Lands Act."~~

~~Section 4. The act is amended by adding a section and an article heading to read:~~

~~Section 102. Definitions. The following words, terms and phrases, when used in this act, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning.~~

~~"Department" shall mean the Department of Conservation and Natural Resources of the Commonwealth.~~

~~"Secretary" shall mean the Secretary of Conservation and Natural Resources of the Commonwealth.~~

~~ARTICLE III~~

~~PUBLIC LANDS~~

~~Section 5. Section 2 of the act, amended July 18, 1968 (P.L.424, No.196), is amended to read:~~

~~Section [2] 301. Definitions. The following words, terms and phrases, when used in this [act] article, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning.~~

~~"Commission" shall mean the Pennsylvania Historical and Museum Commission.~~

~~[(a)] "Public lands" shall include:~~

~~(1) All lands within the territorial limits of the Commonwealth which have not been confirmed to the former proprietaries or their grantees by the act of November 27, 1779 (Chapter 863), entitled "An act for vesting the estates of the late proprietaries of Pennsylvania in this commonwealth," and which have not been granted, conveyed or patented by the Commonwealth to the United States of America, the Commonwealth,~~

~~or any administrative branch or department of either, or to any person or corporation, public or private.~~

~~(2) All vacant and unappropriated lands, all lands for which application has been made or warrants have been granted by the Commonwealth, the titles to which have not been completed by the granting of patents, and all other lands which have been sold by commissioners appointed under acts of the General Assembly, the titles to which have not been completed by the granting of patents.~~

~~Public lands shall not include lands formerly granted, conveyed or patented by the proprietaries or the Commonwealth to any person or corporation, public or private, which have subsequently become the property of the Commonwealth by escheat, condemnation, confiscation, dedication, gift, grant, purchase, or otherwise.~~

~~[(b) "Vacant lands" shall mean lands to which no office rights are outstanding.]~~

~~[(c) "Unappropriated lands" shall mean lands for which no patent has been issued by the Commonwealth.~~

~~[(d) "Unimproved lands" shall mean lands which show no signs of occupancy or cultivation.~~

~~[(e) "Department" shall mean the Department of Community Affairs.~~

~~(f) "Department of Forests and Waters" or "Secretary of Forests and Waters" shall include its or his successor.~~

~~(g) "Bureau" shall mean the Bureau of Land Records in the Department of Community Affairs.]~~

~~"Vacant lands" shall mean lands to which no office rights are outstanding.~~

~~Section 6. Sections 3, 4, 5, 6, 7, 8, 9 and 10 of the act~~

1 ~~are amended to read:~~

2 ~~Section [3] 302. Duties of [Department] Commission. The~~
3 ~~[department] commission shall act as the Land Office of the~~
4 ~~Commonwealth, maintaining and preserving the records of all~~
5 ~~conveyances from the proprietaries and the Commonwealth to the~~
6 ~~purchasers of land, including applications, warrants, return of~~
7 ~~surveys, and reports denying the application of any person. The~~
8 ~~[department] commission shall also maintain and preserve the~~
9 ~~papers relating to the surveys of the Commonwealth and county~~
10 ~~lines, and the reports of commissioners relating to the boundary~~
11 ~~lines of the Commonwealth, maps and other papers heretofore~~
12 ~~lodged with the Land Office and pertaining to the colonial~~
13 ~~history of Pennsylvania, the minutes of the Canal Commissioners,~~
14 ~~contracts for section profile maps and other records of and~~
15 ~~relating to the public works, and all other relevant records~~
16 ~~relating to titles to real estate now or heretofore owned or~~
17 ~~hereafter to be acquired by the Commonwealth.~~

18 ~~It shall be the duty of the [department to arrange the~~
19 ~~records in its custody by filing, recording and indexing so as~~
20 ~~to facilitate searches, examinations and inspections, and]~~
21 ~~commission to furnish copies of all records, documents, entries~~
22 ~~and papers to such persons as shall apply for the same and pay~~
23 ~~such fees as may be prescribed by law or by rule or regulation.~~
24 ~~The [department] commission may make rules and regulations for~~
25 ~~the enforcement and administration of this [act] article.~~

26 ~~Section [4] 303. Application for Warrant and Patent.—~~
27 ~~Subject to the right of the [Department of Forests and Waters]~~
28 ~~department to formally acquire for the department on behalf of~~
29 ~~the Commonwealth and have [the] vacant or unappropriated lands~~
30 ~~patented to the Commonwealth for [forest culture, forest~~

1 reservation] ~~State forest purposes or State park purposes, as~~
2 ~~provided by section [6 of this act] 305, any person may make~~
3 ~~application for a warrant to have a survey made of any tract of~~
4 ~~vacant or unappropriated land and on the return thereof,~~
5 ~~together with proofs of advertisement, have a patent issued~~
6 ~~thereon to the named applicant by the department, with the~~
7 ~~approval of the Governor, provided any caveat entered is finally~~
8 ~~disposed of in favor of applicant and the applicant has complied~~
9 ~~with all applicable laws and regulations.~~

10 Section [5] 304. Procedure on Application. Upon receipt of
11 an application, on a form approved by the department, for vacant
12 or unappropriated public lands, together with abstract of title,
13 duly certified, and survey, the department, with the cooperation
14 of the commission, shall cause an investigation to be made to
15 determine whether any office rights have been granted for the
16 land described in said application, and to determine whether or
17 not said land is vacant or unappropriated. If the department
18 [shall determine] determines that the land applied for is not
19 vacant or unappropriated, it shall file its report, which shall
20 be conclusive upon the applicant, subject to the right of the
21 applicant to appeal to the Board of Property within thirty days
22 and under such rules as the said board may adopt. If the report
23 discloses that a part only of the land applied for is not vacant
24 or unappropriated, the applicant may proceed with respect to the
25 balance.

26 Section [6] 305. Procedure; Department [of Forests and
27 Waters]. If the department finds the land to be vacant and
28 unimproved or unappropriated and unimproved, [and the applicant
29 is not the Secretary of Forests and Waters, the department shall
30 notify the Secretary of Forests and Waters of the application

1 ~~and the results of the investigation, whereupon] it shall be the~~
2 ~~duty of the [Secretary of Forests and Waters] secretary to~~
3 ~~determine whether it is desirable and practicable for the~~
4 ~~department on behalf of the Commonwealth to formally acquire~~
5 ~~such land for [forest culture, forest reservation] State forest~~
6 ~~purposes or State park purposes[, and to make application if~~
7 ~~that is the case]. If the [Department of Forests and Waters~~
8 ~~fails to make application for] department makes a determination~~
9 ~~to preserve the Commonwealth's right to said lands within two~~
10 ~~months of the receipt of [notice] the application, the~~
11 ~~department shall notify the applicant of the department's intent~~
12 ~~to maintain the land on behalf of the Commonwealth. If the~~
13 ~~department does not make a determination to maintain said lands~~
14 ~~within two months of the receipt of the application, the~~
15 ~~department shall notify the [original] applicant of the~~
16 ~~department's intent to relinquish the Commonwealth's rights to~~
17 ~~the lands and, if the application is for vacant land, shall~~
18 ~~arrange to cause the land to be appraised. The applicant shall~~
19 ~~give thirty days' notice of the filing of such application by~~
20 ~~publication once a week for three successive weeks in a~~
21 ~~newspaper of general circulation in the area where the land is~~
22 ~~situate and furnish proof of publication to the department.~~

23 Section [7] 306.—[Application] Determination by Department
24 [of Forests and Waters]. The [application of] determination by
25 the [Department of Forests and Waters] department for vacant
26 unimproved or unappropriated unimproved land shall be signed by
27 the [Secretary of Forests and Waters] secretary and be
28 accompanied by an abstract with certificate and survey. [On
29 approval of the application, abstract, certificate and survey,
30 a] A patent to the land shall issue, on approval of the

1 Governor, to the ~~[Department of Forests and Waters]~~ department
2 for ~~[forest culture, forest reservation]~~ State forest purposes
3 or State park purposes, without the payment of purchase money,
4 interest or fees.

5 Section ~~[8]~~ 307. ~~[Board of Appraisers]~~ Appraisals. ~~[Upon~~
6 ~~application for vacant land,]~~ If the department chooses not to
7 exercise its right to formally acquire the vacant lands, the
8 land shall be appraised by a ~~[board of appraisers, comprising~~
9 ~~three disinterested persons appointed]~~ certified independent
10 real estate appraiser selected by the department~~[, who are~~
11 ~~residents of the county or counties wherein the land is situate,~~
12 ~~of whom one shall be an attorney at law who shall act as~~
13 ~~chairman, one a registered professional engineer, and one a~~
14 ~~licensed real estate broker]~~.

15 The ~~[person so appointed]~~ appraiser shall swear or affirm,
16 before an officer authorized to administer oaths, faithfully to
17 perform the duties herein prescribed, and that ~~[they are]~~ the
18 appraiser ~~is not directly or indirectly interested in the~~
19 ~~application.~~ ~~[They]~~ The appraiser shall ~~[proceed to]~~ determine
20 the value of the ~~[land by going upon it and]~~ real estate, taking
21 into consideration soil, timber, fisheries, minerals, location
22 and other ~~[advantages, and shall determine the value thereof]~~
23 natural characteristics of the land. In the case of improved
24 land, the value of the improvements not made by the Commonwealth
25 shall not be included in the valuation. The ~~[chairman of the~~
26 ~~board]~~ appraiser shall prepare and transmit the ~~[report of the~~
27 ~~board]~~ appraisal to the department. ~~[Having agreed upon the~~
28 ~~valuation, the chairman shall certify the same to the department~~
29 ~~in his report within thirty days after the appointment of the~~
30 ~~board. If any of the board of appraisers so appointed shall~~

1 ~~fail, neglect or refuse to perform any of their duties within~~
2 ~~thirty days of their appointment, the department may vacate the~~
3 ~~appointment and appoint another board of appraisers to perform~~
4 ~~the work in the same manner as the original board. The members~~
5 ~~of the board shall be entitled to a fee of twenty five dollars~~
6 ~~(\$25.00) each and the chairman shall receive an additional~~
7 ~~twenty five dollars (\$25.00) for the preparation of the report.]~~

8 ~~Section [9] 308. Expenses. Upon receipt of the [certificate~~
9 ~~and report of the appraisers] appraisal, the department shall~~
10 ~~notify the applicant, requesting the amount due the~~
11 ~~Commonwealth. The expenses incident to the investigation,~~
12 ~~advertising, survey and appraisal, shall be paid by the~~
13 ~~applicant. Upon payment of the said amount, the department~~
14 ~~shall, upon approval of the survey and other instruments~~
15 ~~required by this [act] article and regulations of the~~
16 ~~department, with the approval of the Governor, issue a patent~~
17 ~~[from the Commonwealth].~~

18 ~~Section [10] 309. Abandonment of Application. If, within~~
19 ~~three months from the request for payment of the purchase price~~
20 ~~and expenses, the applicant shall fail to pay the department, he~~
21 ~~shall be deemed to have abandoned his application, and the~~
22 ~~department may grant a patent to any subsequent applicant upon~~
23 ~~payment of the purchase price, as fixed by said appraisal, and~~
24 ~~expenses: Provided, That if more than one year has elapsed since~~
25 ~~the receipt of the [certificate of the appraisers] appraisal,~~
26 ~~the department may, in its discretion, require a current~~
27 ~~appraisal.~~

28 ~~Section 7. Section 11 of the act, amended July 18, 1968~~
29 ~~(P.L.424, No.196), is amended to read:~~

30 ~~Section [11] 310. Prohibitions and Exceptions. No~~

1 ~~application shall be accepted and no warrants, easements or~~
2 ~~other office rights shall be granted for any land or island~~
3 ~~lying in the beds of navigable rivers or in beds of streams~~
4 ~~which are by law declared to be public highways, except~~
5 ~~(1) Warrants or other office rights may be granted and~~
6 ~~appraisals made on such lands as intervene between former~~
7 ~~islands for which patents have been granted, and the former~~
8 ~~mainland of navigable rivers, where such intervening lands form~~
9 ~~an obstruction to navigation, and are without the ordinary low~~
10 ~~water lines of such navigable rivers, as shown by the~~
11 ~~certificate of the United States Secretary of Defense or his~~
12 ~~successor. No such warrant, or other office right, shall be~~
13 ~~granted, unless and until written approval of the [Water and~~
14 ~~Power Resources Board of the Department of Forests and Waters]~~
15 ~~department has been obtained, following the submission of formal~~
16 ~~application and plans to said board showing the manner in which~~
17 ~~the said lands within the flood water channel of the navigable~~
18 ~~river will be occupied and used, and the extent to which the~~
19 ~~flood carrying capacity of the channel will be reduced and~~
20 ~~modified: Provided, however, That preference in granting any~~
21 ~~such patent shall be given, with the approval of the Governor,~~
22 ~~to applications of owners of the land abutting the land~~
23 ~~intervening between the former islands to which patents have~~
24 ~~been granted and the former mainland of navigable rivers. Such~~
25 ~~patents, with the approval of the Governor, may be issued in~~
26 ~~accordance with any agreement entered into by all such~~
27 ~~landowners, providing for an allotment of the land intervening~~
28 ~~between the former islands.~~

29 ~~(2) Easements may be granted for sewage treatment plants and~~
30 ~~intercepting sewer systems and facilities necessary and~~

1 ~~incidental thereto, under, across, and in the beds of navigable~~
2 ~~rivers or streams which are, by law, declared public highways~~
3 ~~for the purpose of diverting sewage and industrial wastes from~~
4 ~~said rivers or streams to sewage treatment plants, where permits~~
5 ~~for the construction thereof have been issued by, or by~~
6 ~~authorization of, the Sanitary Water Board, the [Water and Power~~
7 ~~Resources Board,] department and the United States Secretary of~~
8 ~~Defense. The department shall, on application by any~~
9 ~~municipality authority or institution, make such grants to such~~
10 ~~municipality of such easements in the name of the Commonwealth,~~
11 ~~with the approval of the Governor, and in such form as shall be~~
12 ~~approved by the Attorney General without the payment of purchase~~
13 ~~money, interest or fees. [The department shall not be required~~
14 ~~to submit, to the Department of Forests and Waters, any copies~~
15 ~~of such applications as is required in applications for vacant~~
16 ~~lands generally.] As used herein, "municipality authority or~~
17 ~~institution" means any county, county authority, municipality~~
18 ~~authority, city, borough, town, township, school district, and~~
19 ~~any healing, preventive mental health, educational, correctional~~
20 ~~and penal institution, almshouse and county and city homes,~~
21 ~~operated by the Commonwealth or a political subdivision thereof,~~
22 ~~the sewage from which is not admitted to a public sewer system.~~

23 ~~(3) Whenever, to promote sanitation, prevent floods, improve~~
24 ~~navigation, or for other purposes, the government of the United~~
25 ~~States, by its proper officers or by Act of Congress, shall~~
26 ~~authorize the widening, straightening or improvement of the main~~
27 ~~channel of any navigable river or stream, under agreement with~~
28 ~~the owners of any land to be taken for any of the purposes~~
29 ~~aforesaid, and shall permit the abandonment and filling up of~~
30 ~~other parts of such river or stream, which may thereby be no~~

1 ~~longer useful for the ordinary purposes of navigation, the~~
2 ~~department is hereby authorized, on behalf of the Commonwealth,~~
3 ~~to have a survey and appraisal made, both at the expense of the~~
4 ~~applicant, and issue a patent, with the approval of the~~
5 ~~Governor, of so much of the bed of such river or stream, below~~
6 ~~low water mark, as shall be no longer useful for the ordinary~~
7 ~~purposes of navigation and shall be so abandoned. Preference in~~
8 ~~granting any such patent shall be given to applications of~~
9 ~~owners of land abutting the portion of the bed of such river or~~
10 ~~stream as shall be subject to patent and a patent, with the~~
11 ~~approval of the Governor, may issue in accordance with any~~
12 ~~agreement entered into by all such landowners providing for an~~
13 ~~allotment of the land so abandoned and subject to patent.~~

14 ~~(4) The evidence that any part of such river or stream has~~
15 ~~ceased to be useful for the ordinary purposes of navigation and~~
16 ~~is the subject of warrant, survey and patent, shall include a~~
17 ~~certified copy of any Act of Congress which may be passed in~~
18 ~~relation thereto, and a copy of any agreement entered into~~
19 ~~between the United States of America and such owners of the land~~
20 ~~accompanied by proper plans showing the land to be taken, the~~
21 ~~river or stream as widened, straightened or improved, and the~~
22 ~~portion of such river or stream which is to be abandoned, which~~
23 ~~copy of such agreement and which plans shall be certified, under~~
24 ~~the hand and seal of the United States Secretary of Defense or~~
25 ~~his successor, and filed in the [Office of the Secretary of~~
26 ~~Community Affairs of this Commonwealth] office of the secretary.~~

27 ~~Section 8. Sections 12, 13, 14, 15 and 16 of the act are~~
28 ~~amended to read:~~

29 ~~Section [12] 311. Issuance of Patents for Unappropriated~~
30 ~~Lands. In all cases where it shall appear from the records of~~

1 the ~~[department] commission~~ that there have been warrants
2 granted by the Commonwealth for lands authorized to be sold
3 under Acts of the General Assembly, or by commissioners
4 appointed under Acts of the General Assembly, the titles to
5 which have not been completed by the granting of patents, the
6 department shall, upon the presentation and approval of an
7 application with satisfactory proof of ownership, including
8 current survey and abstract of title, and the payment of patent
9 fees amounting to twenty five dollars (\$25.00), with the
10 approval of the Governor, grant ~~[the]~~ a patent ~~[of the]~~
11 Commonwealth].

12 Section ~~[13]~~ 312.— Satisfaction of Claims.— In all cases
13 where there are outstanding office rights, hitherto granted
14 prior to January 1, 1935, for land lying within the
15 Commonwealth, the department is authorized to cancel any and all
16 liens, bonds, and mortgages held by the department for unpaid
17 purchase money and interest thereon, and to make proper entry of
18 satisfaction in the lien docket and mortgage book or other
19 records of the said department as well as issue certificate of
20 the action taken, upon the payment of a fee of twenty five
21 dollars (\$25.00) for each tract of land upon which the lien or
22 bond and mortgage is released.

23 Section ~~[14]~~ 313.— Prohibition of Warrants.— No warrant or
24 other office right shall issue for any tract or piece of public
25 land on which settlement has been made, or which may be either
26 in whole or in part cleared and fenced or otherwise improved,
27 used or occupied and held by defined boundaries, unless to such
28 person or persons who have made the settlement, clearing,
29 fencing or improvement, their heirs, legal representatives,
30 successors or assigns; but in any case where the settlement or

~~improvement has been abandoned continuously since January 1, 1935, the land shall be deemed to be vacant or unappropriated.~~

~~Section [15] 314. Caveats. Any person having or asserting any claim for land to which application has been made, may file a caveat with the department prior to the granting of the patent, whereupon the department shall notify the original applicant of the filing of the caveat and forward the application for warrant and the caveat, with all related instruments, to the Board of Property for decision.~~

~~The entry of such caveat shall suspend issuance of the patent until the Board of Property has disposed of the claim. No caveat shall be recognized for any land after the patent of the Commonwealth has been granted therefor. When in any case presented to the Board of Property by caveat or appeal, the board shall decide against the issuing of a warrant or other office right, the purchase money, if any has been paid, shall be returned to the applicant, less all expenses incurred by the department and board.~~

~~Section [16] 315. Deposit Required with Caveats. No caveat shall be recognized and processed unless the caveator shall deposit, with the caveat, fees as determined by the department, and including purchase money in the case of vacant land. The purchase money shall be returned to the caveator, less all costs and fees determined by the board as incurred by the caveator, in the event the board's decision is against the caveator and the caveator does not appeal from the decision of the Board of Property. If the caveator appeals from the decision of the Board of Property, any purchase money deposited shall be held and disposed of as directed by the court making the final decision thereon.~~

1 ~~If the decision of the Board of Property is in favor of the~~
2 ~~caveator, he shall proceed promptly to perfect his title under~~
3 ~~the provisions of this [act] article and in compliance with the~~
4 ~~rules and regulations of the department, or he shall be deemed~~
5 ~~to have abandoned his claim and right.~~

6 ~~Section 9. The act is amended by adding an article heading~~
7 ~~to read:~~

8 ARTICLE LI

9 MISCELLANEOUS PROVISIONS

10 ~~Section 10. Sections 17 and 18 of the act are amended to~~
11 ~~read:~~

12 ~~Section [17] 5101. Repeals. The following acts, or parts of~~
13 ~~acts, are hereby repealed absolutely:~~

14 ~~(a) The act of March 6, 1793 (3 Smith's Laws 93), entitled~~
15 ~~"An act directing the sale of certain islands in the river~~
16 ~~Susquehanna."~~

17 ~~(b) The act of January 27, 1806 (4 Smith's Laws 268),~~
18 ~~entitled "An act directing the sale of unappropriated Islands in~~
19 ~~such parts of the rivers Delaware, Ohio and Allegheny, and their~~
20 ~~branches, as are by law declared public highways."~~

21 ~~(c) The act of April 2, 1822 (7 Smith's Laws 549), entitled~~
22 ~~"An act for the prevention of nuisances in the river~~
23 ~~Susquehanna."~~

24 ~~(d) The act of April 14, 1874 (P.L.58), entitled "An act~~
25 ~~relative to the issuing of warrants to survey vacant lands."~~

26 ~~(e) The act of May 5, 1899 (P.L.229), entitled "An act~~
27 ~~relative to the liens of the Commonwealth against unpatented~~
28 ~~lands; providing for their adjustment, and for the granting of~~
29 ~~patents."~~

30 ~~(f) The act of May 3, 1909 (P.L.413), entitled "An act~~

~~relating to the granting of titles by the Commonwealth of Pennsylvania to vacant or unappropriated land, the price to be paid for the same, the conveyance to the State Forestry Reservation Commission, where desirable for forest culture or forest preservation, preventing the granting of warrants for the beds of navigable rivers, and providing for acceptance of returns of surveys without limitation as to excess or surplus."~~

~~(g) The act of April 29, 1911 (P.L.106), entitled "An act providing for the cancellation of certain liens, bonds, and mortgages, now held by the Department of Internal Affairs for unpaid purchase money and interest on lands for which patents have been issued, and which remain unsatisfied on the lien docket and other records of that department; and providing for the forwarding by the Secretary of Internal Affairs of certified statements of the cancellation to the respective counties affected, that such statements may be recorded in the counties where the land lies; and that the record thereof or certified copies thereof shall be evidence where the said certified statement would be evidence."~~

~~(h) The act of June 27, 1913 (P.L.665), entitled "An act authorizing and regulating the survey, appraisal, and patenting of lands in beds of navigable rivers or streams, permitted by the Government of the United States to be abandoned and filled as no longer of use for ordinary purposes of navigation."~~

~~Section [18] 5102. Effective Date. This act shall take effect immediately.~~

~~Section 11. The following acts and parts of acts are repealed:~~

~~Act of June 13, 1907 (P.L.621, No.483), entitled, as amended, "An act authorizing and directing the Secretary of Community~~

1 ~~Affairs to compile and publish connected warrantee tract maps of~~
2 ~~each of the several counties of this Commonwealth; making an~~
3 ~~appropriation for the work of compilation, and directing the~~
4 ~~manner of sale and distribution of the same."~~

5 ~~Act of June 30, 1959 (P.L.492, No.117), entitled, as amended,~~
6 ~~"An act fixing the fees to be charged by the Department of~~
7 ~~Community Affairs."~~

8 ~~Section 12. This act shall take effect in 60 days.~~

9 SECTION 1. PART II OF TITLE 68 OF THE PENNSYLVANIA
10 CONSOLIDATED STATUTES IS AMENDED BY ADDING A SUBPART TO READ:

<—

11 SUBPART F

12 PUBLIC LANDS

13 CHAPTER

14 61. VACANT AND UNIMPROVED PUBLIC LANDS

15 CHAPTER 61

16 VACANT AND UNIMPROVED PUBLIC LANDS

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3 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS CHAPTER
4 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
5 CONTEXT CLEARLY INDICATES OTHERWISE:

6 "BOARD." THE BOARD OF PROPERTY.

7 "COMMISSION." THE PENNSYLVANIA HISTORICAL AND MUSEUM
8 COMMISSION.

9 "DEPARTMENT." THE DEPARTMENT OF CONSERVATION AND NATURAL
10 RESOURCES OF THE COMMONWEALTH.

11 "INSTITUTION." ANY:

12 (1) HEALING, PREVENTIVE MENTAL HEALTH, EDUCATIONAL,
13 CORRECTIONAL OR PENAL INSTITUTION;

14 (2) ALMSHOUSE; OR

15 (3) COUNTY OR CITY HOME;

16 OPERATED BY THE COMMONWEALTH OR A POLITICAL SUBDIVISION.

17 "MUNICIPALITY AUTHORITY." A COUNTY, COUNTY AUTHORITY,
18 MUNICIPALITY AUTHORITY, CITY, BOROUGH, TOWN, TOWNSHIP, OR SCHOOL
19 DISTRICT.

20 "PUBLIC LANDS." INCLUDES ALL OF THE FOLLOWING:

21 (1) ALL LANDS WITHIN THE TERRITORIAL LIMITS OF THE
22 COMMONWEALTH WHICH HAVE NOT BEEN CONFIRMED TO THE FORMER
23 PROPRIETARIES OR THEIR GRANTEES BY THE ACT OF NOVEMBER 27,
24 1779 (CHAPTER 863), ENTITLED "AN ACT FOR VESTING THE ESTATES
25 OF THE LATE PROPRIETARIES OF PENNSYLVANIA IN THIS
26 COMMONWEALTH," AND WHICH HAVE NOT BEEN GRANTED, CONVEYED OR
27 PATENTED BY THE COMMONWEALTH TO THE UNITED STATES, THE
28 COMMONWEALTH, OR ANY ADMINISTRATIVE BRANCH OR DEPARTMENT OF
29 EITHER, OR TO ANY PERSON OR CORPORATION, PUBLIC OR PRIVATE.

30 (2) ALL VACANT AND UNAPPROPRIATED LANDS; ALL LANDS FOR

1 WHICH APPLICATION HAS BEEN MADE OR WARRANTS HAVE BEEN GRANTED
2 BY THE COMMONWEALTH, THE TITLES TO WHICH HAVE NOT BEEN
3 COMPLETED BY THE GRANTING OF PATENTS; AND ALL OTHER LANDS
4 WHICH HAVE BEEN SOLD BY COMMISSIONERS APPOINTED UNDER ACTS OF
5 THE GENERAL ASSEMBLY, THE TITLES TO WHICH HAVE NOT BEEN
6 COMPLETED BY THE GRANTING OF PATENTS.

7 THE TERM DOES NOT INCLUDE LANDS FORMERLY GRANTED, CONVEYED OR
8 PATENTED BY THE PROPRIETARIES OR BY THE COMMONWEALTH TO A PERSON
9 WHICH HAVE SUBSEQUENTLY BECOME THE PROPERTY OF THE COMMONWEALTH
10 BY ESCHEAT, CONDEMNATION, CONFISCATION, DEDICATION, GIFT, GRANT,
11 PURCHASE OR OTHERWISE.

12 "SECRETARY." THE SECRETARY OF CONSERVATION AND NATURAL
13 RESOURCES OF THE COMMONWEALTH.

14 "UNAPPROPRIATED LANDS." LANDS FOR WHICH NO PATENT HAS BEEN
15 ISSUED BY THE COMMONWEALTH.

16 "UNIMPROVED LANDS." LANDS WHICH SHOW NO SIGNS OF OCCUPANCY
17 OR CULTIVATION.

18 "VACANT LANDS." LANDS TO WHICH NO OFFICE RIGHTS ARE
19 OUTSTANDING.

20 § 6102. DUTIES OF COMMISSION.

21 THE COMMISSION HAS THE FOLLOWING POWERS AND DUTIES:

22 (1) TO ACT AS THE LAND OFFICE OF THE COMMONWEALTH,
23 MAINTAINING AND PRESERVING THE RECORDS OF ALL CONVEYANCES
24 FROM THE PROPRIETARIES AND THE COMMONWEALTH TO THE PURCHASERS
25 OF LAND, INCLUDING APPLICATIONS, WARRANTS, RETURN OF SURVEYS
26 AND REPORTS DENYING APPLICATIONS.

27 (2) TO MAINTAIN AND PRESERVE:

28 (I) PAPERS RELATING TO THE SURVEYS OF THIS
29 COMMONWEALTH AND COUNTY LINES;

30 (II) REPORTS OF COMMISSIONERS RELATING TO THE

1 BOUNDARY LINES OF THIS COMMONWEALTH;

2 (III) MAPS AND OTHER PAPERS LODGED WITH THE LAND
3 OFFICE AND PERTAINING TO THE COLONIAL HISTORY OF THIS
4 COMMONWEALTH;

5 (IV) THE MINUTES OF THE CANAL COMMISSIONERS;

6 (V) CONTRACTS FOR SECTION PROFILE MAPS;

7 (VI) OTHER RECORDS RELATING TO THE PUBLIC WORKS; AND

8 (VII) RELEVANT RECORDS RELATING TO TITLES TO REAL
9 ESTATE OWNED OR TO BE ACQUIRED BY THE COMMONWEALTH.

10 (3) TO FURNISH COPIES OF RECORDS AND DOCUMENTS IN
11 ACCORDANCE WITH STATUTORY OR REGULATORY FEES.

12 (4) TO PROMULGATE REGULATIONS TO ADMINISTER THIS
13 CHAPTER.

14 § 6103. APPLICATION.

15 (A) COMMONWEALTH RIGHTS.--THE RIGHT OF A PERSON TO A PATENT
16 FOR VACANT OR UNAPPROPRIATED LANDS IS SUBJECT TO THE RIGHT OF
17 THE DEPARTMENT TO FORMALLY ACQUIRE FOR THE DEPARTMENT ON BEHALF
18 OF THE COMMONWEALTH AND HAVE VACANT OR UNAPPROPRIATED LANDS
19 PATENTED TO THE COMMONWEALTH FOR STATE FOREST PURPOSES OR STATE
20 PARK PURPOSES, AS PROVIDED BY SECTION 6105 (RELATING TO
21 ACQUISITION DETERMINATION).

22 (B) SURVEY.--A PERSON MAY APPLY FOR A WARRANT TO HAVE A
23 SURVEY MADE OF ANY TRACT OF VACANT OR UNAPPROPRIATED LAND.

24 (C) INVESTIGATION.--THE DEPARTMENT, WITH THE COOPERATION OF
25 THE COMMISSION, SHALL INVESTIGATE TO DETERMINE WHETHER OFFICE
26 RIGHTS HAVE BEEN GRANTED FOR A TRACT OF LAND AND WHETHER THE
27 TRACT OF LAND IS VACANT OR UNAPPROPRIATED IF AN APPLICANT DOES
28 ALL OF THE FOLLOWING:

29 (1) COMPLETES AN APPLICATION PRESCRIBED BY THE
30 DEPARTMENT.

1 (2) GIVES 30 DAYS' NOTICE OF THE FILING OF THE
2 APPLICATION BY PUBLICATION ONCE A WEEK FOR THREE SUCCESSIVE
3 WEEKS IN A NEWSPAPER OF GENERAL CIRCULATION IN THE AREA WHERE
4 THE LAND IS SITUATE. THE APPLICANT MUST FURNISH PROOF OF
5 PUBLICATION TO THE DEPARTMENT.

6 (3) SUBMITS A CERTIFIED ABSTRACT OF TITLE.

7 (4) SUBMITS THE SURVEY UNDER SUBSECTION (B).

8 § 6104. REPORT.

9 (A) TOTAL.--IF THE DEPARTMENT DETERMINES THAT THE LAND
10 APPLIED FOR IS NOT VACANT OR UNAPPROPRIATED, IT SHALL FILE ITS
11 REPORT.

12 (B) PARTIAL.--IF THE REPORT DISCLOSES THAT A PART ONLY OF
13 THE LAND APPLIED FOR IS NOT VACANT OR UNAPPROPRIATED, THE
14 APPLICANT MAY PROCEED WITH RESPECT TO THE BALANCE UNDER SECTION
15 6106 (RELATING TO STATE FORESTS).

16 (C) APPEAL.--THE REPORT SHALL BE CONCLUSIVE UPON THE
17 APPLICANT, SUBJECT TO THE RIGHT OF THE APPLICANT TO APPEAL TO
18 THE BOARD WITHIN 30 DAYS UNDER REGULATIONS OF THE BOARD.

19 § 6105. ACQUISITION DETERMINATION.

20 (A) REQUIREMENT.--IF THE DEPARTMENT FINDS THE LAND TO BE
21 VACANT AND UNIMPROVED OR UNAPPROPRIATED AND UNIMPROVED, THE
22 SECRETARY SHALL DETERMINE WHETHER IT IS DESIRABLE AND
23 PRACTICABLE FOR THE DEPARTMENT TO FORMALLY ACQUIRE THE LAND FOR
24 STATE FOREST PURPOSES OR STATE PARK PURPOSES.

25 (B) ACTION.--WITHIN TWO MONTHS OF RECEIPT OF THE
26 APPLICATION, THE DEPARTMENT SHALL DO ALL OF THE FOLLOWING:

27 (1) MAKE ONE OF THE FOLLOWING DETERMINATIONS:

28 (I) TO MAINTAIN THE LAND ON BEHALF OF THE
29 COMMONWEALTH. A DETERMINATION UNDER THIS SUBPARAGRAPH

30 MUST BE SIGNED BY THE SECRETARY AND BE ACCOMPANIED BY AN

1 ABSTRACT WITH CERTIFICATE AND A SURVEY.

2 (II) TO RELINQUISH THE COMMONWEALTH'S RIGHTS TO THE
3 LAND.

4 (2) NOTIFY THE APPLICANT OF THE DETERMINATION UNDER
5 PARAGRAPH (1).

6 § 6106. STATE FORESTS.

7 UPON A DETERMINATION UNDER SECTION 6105(B)(1)(I) (RELATING TO
8 ACQUISITION DETERMINATION), A PATENT TO THE LAND SHALL ISSUE, ON
9 APPROVAL OF THE GOVERNOR, TO THE DEPARTMENT FOR STATE FOREST
10 PURPOSES OR STATE PARK PURPOSES, WITHOUT THE PAYMENT OF PURCHASE
11 MONEY, INTEREST OR FEES.

12 § 6107. APPRAISALS.

13 (A) REQUIREMENT.--UPON A DETERMINATION UNDER SECTION
14 6105(B)(1)(II) (RELATING TO ACQUISITION DETERMINATION), THE LAND
15 SHALL BE APPRAISED BY A CERTIFIED INDEPENDENT REAL ESTATE
16 APPRAISER SELECTED BY THE DEPARTMENT.

17 (B) PROCEDURE.

18 (1) THE APPRAISER MUST SWEAR OR AFFIRM, BEFORE AN
19 OFFICER AUTHORIZED TO ADMINISTER OATHS:

20 (I) FAITHFULLY TO PERFORM THE DUTIES PRESCRIBED IN
21 THIS SECTION; AND

22 (II) THAT THE APPRAISER IS NOT DIRECTLY OR
23 INDIRECTLY INTERESTED IN THE APPLICATION.

24 (2) THE APPRAISER SHALL DETERMINE THE VALUE OF THE REAL
25 ESTATE, TAKING INTO CONSIDERATION SOIL, TIMBER, FISHERIES,
26 MINERALS, LOCATION AND OTHER NATURAL CHARACTERISTICS OF THE
27 LAND. IN THE CASE OF IMPROVED LAND, THE VALUE OF THE
28 IMPROVEMENTS NOT MADE BY THE COMMONWEALTH MAY NOT BE INCLUDED
29 IN THE VALUATION.

30 (3) THE APPRAISER SHALL PREPARE AND TRANSMIT THE

1 APPRAISAL TO THE DEPARTMENT.

2 § 6108. PATENTS.

3 (A) COSTS.--UPON RECEIPT OF AN APPRAISAL UNDER SECTION 6107
4 (RELATING TO APPRAISALS), THE DEPARTMENT SHALL NOTIFY THE
5 APPLICANT AND REQUEST THE AMOUNT DUE THE COMMONWEALTH. THE
6 EXPENSES INCIDENT TO THE INVESTIGATION, ADVERTISING, SURVEY AND
7 APPRAISAL MUST BE PAID BY THE APPLICANT.

8 (B) ISSUANCE.--THE DEPARTMENT SHALL ISSUE A PATENT TO AN
9 APPLICANT UPON COMPLETION OF ALL OF THE FOLLOWING:

10 (1) APPROVAL BY THE DEPARTMENT OF THE MATERIAL REQUIRED
11 BY SECTION 6103(C)(4) (RELATING TO APPLICATION).

12 (2) PAYMENT OF THE AMOUNT UNDER SUBSECTION (A). IF THE
13 APPLICANT DOES NOT MAKE PAYMENT WITHIN THREE MONTHS FROM THE
14 REQUEST UNDER SUBSECTION (A), THE APPLICANT SHALL BE DEEMED
15 TO HAVE ABANDONED THE APPLICATION; AND THE DEPARTMENT MAY:

16 (I) GRANT A PATENT TO A SUBSEQUENT APPLICANT UPON
17 PAYMENT OF THE AMOUNT UNDER SUBSECTION (A); OR

18 (II) IF MORE THAN ONE YEAR HAS ELAPSED SINCE THE
19 RECEIPT OF THE APPRAISAL, REQUIRE A CURRENT APPRAISAL.

20 (3) COMPLIANCE WITH LAW, INCLUDING REGULATIONS
21 PROMULGATED BY THE DEPARTMENT.

22 (4) FINAL DISPOSITION IN THE APPLICANT'S FAVOR OF ANY
23 ENTERED CAVEAT.

24 (5) APPROVAL BY THE GOVERNOR

25 § 6109. PROHIBITIONS AND EXCEPTIONS.

26 (A) PROHIBITION.--EXCEPT AS SET FORTH IN SUBSECTION (B), NO
27 APPLICATION SHALL BE ACCEPTED AND NO WARRANT, EASEMENT OR OTHER
28 OFFICE RIGHT SHALL BE GRANTED FOR LAND, INCLUDING AN ISLAND,
29 LYING IN THE BED OF A NAVIGABLE RIVER OR STREAM, DECLARED BY LAW
30 TO BE A PUBLIC HIGHWAY.

1 (B) EXCEPTIONS.--SUBSECTION (A) DOES NOT APPLY AS FOLLOWS:

2 (1) A WARRANT OR OTHER OFFICE RIGHT MAY BE GRANTED AND
3 AN APPRAISAL MADE ON LAND INTERVENING BETWEEN FORMER ISLANDS
4 FOR WHICH PATENTS HAVE BEEN GRANTED AND THE FORMER MAINLAND
5 OF A NAVIGABLE RIVER WHERE THE INTERVENING LANDS FORM AN
6 OBSTRUCTION TO NAVIGATION AND ARE WITHOUT THE ORDINARY LOW
7 WATER LINES OF SUCH NAVIGABLE RIVERS, AS SHOWN BY THE
8 CERTIFICATE OF THE UNITED STATES SECRETARY OF DEFENSE. A
9 WARRANT OR OFFICE RIGHT UNDER THIS PARAGRAPH REQUIRES WRITTEN
10 APPROVAL OF THE DEPARTMENT, FOLLOWING THE SUBMISSION OF
11 FORMAL APPLICATION AND PLANS SHOWING THE MANNER IN WHICH THE
12 LAND WITHIN THE FLOOD WATER CHANNEL OF THE NAVIGABLE RIVER
13 WILL BE OCCUPIED AND USED, AND THE EXTENT TO WHICH THE FLOOD
14 CARRYING CAPACITY OF THE CHANNEL WILL BE REDUCED AND
15 MODIFIED. PREFERENCE IN GRANTING A PATENT SHALL BE GIVEN,
16 WITH THE APPROVAL OF THE GOVERNOR, TO THE OWNER OF THE LAND
17 ABUTTING THE LAND INTERVENING BETWEEN THE FORMER ISLAND TO
18 WHICH A PATENT HAS BEEN GRANTED AND THE FORMER MAINLAND OF
19 THE NAVIGABLE RIVERS. A PATENT, WITH THE APPROVAL OF THE
20 GOVERNOR, MAY BE ISSUED IN ACCORDANCE WITH ANY AGREEMENT
21 ENTERED INTO BY ALL ABUTTING LANDOWNERS PROVIDING FOR AN
22 ALLOTMENT OF THE LAND INTERVENING BETWEEN THE FORMER ISLANDS.

23 (2) AN EASEMENT MAY BE GRANTED FOR A SEWAGE TREATMENT
24 PLANT AND INTERCEPTING SEWER SYSTEM AND FACILITY NECESSARY
25 AND INCIDENTAL TO THE PLANT UNDER, ACROSS AND IN THE BED OF A
26 NAVIGABLE RIVER OR STREAM DECLARED BY LAW TO BE A PUBLIC
27 HIGHWAY FOR THE PURPOSE OF DIVERTING SEWAGE AND INDUSTRIAL
28 WASTES FROM THE RIVER OR STREAM TO THE SEWAGE TREATMENT PLANT
29 IF CONSTRUCTION PERMITS HAVE BEEN ISSUED BY THE SANITARY
30 WATER BOARD, THE DEPARTMENT AND THE UNITED STATES SECRETARY

1 OF DEFENSE. THE DEPARTMENT SHALL, ON APPLICATION BY A
2 MUNICIPALITY AUTHORITY OR INSTITUTION, MAKE A GRANT TO THE
3 MUNICIPALITY OF THE EASEMENT IN THE NAME OF THE COMMONWEALTH,
4 UPON APPROVAL OF THE GOVERNOR AND IN A FORM APPROVED BY THE
5 ATTORNEY GENERAL, WITHOUT THE PAYMENT OF PURCHASE MONEY,
6 INTEREST OR FEES.

7 (3) THE FOLLOWING APPLY:

8 (I) THE DEPARTMENT IS AUTHORIZED TO HAVE A SURVEY
9 AND APPRAISAL MADE UNDER THIS CHAPTER AND ISSUE A PATENT,
10 UPON THE APPROVAL OF THE GOVERNOR, OF SO MUCH OF THE BED
11 OF A RIVER OR STREAM, BELOW LOW WATER MARK, AS IS NO
12 LONGER USEFUL FOR THE ORDINARY PURPOSES OF NAVIGATION AND
13 IS ABANDONED IF THE FEDERAL GOVERNMENT:

14 (A) ENTERS AN AGREEMENT WITH THE OWNERS OF LAND
15 TO BE TAKEN TO PROMOTE SANITATION, PREVENT FLOODS OR
16 IMPROVE NAVIGATION OR FOR OTHER PURPOSES; AND

17 (B) AUTHORIZES THE WIDENING, STRAIGHTENING OR
18 IMPROVEMENT OF THE MAIN CHANNEL OF A NAVIGABLE RIVER
19 OR STREAM; AND

20 (C) PERMITS THE ABANDONMENT AND FILLING UP OF
21 OTHER PARTS OF THE RIVER OR STREAM WHICH ARE NO
22 LONGER USEFUL FOR THE ORDINARY PURPOSES OF
23 NAVIGATION.

24 (II) PREFERENCE IN GRANTING A PATENT UNDER THIS
25 PARAGRAPH SHALL BE GIVEN TO AN OWNER OF LAND ABUTTING THE
26 PORTION OF THE BED OF A RIVER OR STREAM WHICH (PORTION)
27 IS SUBJECT TO PATENT. A PATENT, WITH THE APPROVAL OF THE
28 GOVERNOR, MAY ISSUE IN ACCORDANCE WITH AN AGREEMENT
29 ENTERED INTO BY ALL ABUTTING LANDOWNERS PROVIDING FOR AN
30 ALLOTMENT OF THE LAND ABANDONED AND SUBJECT TO PATENT.

(III) EVIDENCE THAT ANY PART OF A RIVER OR STREAM HAS CEASED TO BE USEFUL FOR THE ORDINARY PURPOSES OF NAVIGATION AND IS THE SUBJECT OF WARRANT, SURVEY AND PATENT MUST INCLUDE ALL OF THE FOLLOWING:

(A) A CERTIFIED COPY OF ANY FEDERAL STATUTE IN RELATION TO THE AREA.

(B) A COPY OF ANY AGREEMENT ENTERED INTO BETWEEN THE UNITED STATES AND THE OWNERS OF THE LAND, ACCOMPANIED BY PROPER PLANS SHOWING THE LAND TO BE TAKEN; THE RIVER OR STREAM AS WIDENED, STRAIGHTENED OR IMPROVED; AND THE PORTION OF THE RIVER OR STREAM WHICH IS TO BE ABANDONED. THE COPY OF THE AGREEMENT AND PLANS MUST BE CERTIFIED, UNDER THE HAND AND SEAL OF THE UNITED STATES SECRETARY OF DEFENSE AND FILED IN THE OFFICE OF THE SECRETARY.

§ 6110. ISSUANCE OF PATENTS FOR UNAPPROPRIATED LANDS.

THE DEPARTMENT SHALL, UPON THE PRESENTATION AND APPROVAL OF AN APPLICATION WITH SATISFACTORY PROOF OF OWNERSHIP, INCLUDING CURRENT SURVEY AND ABSTRACT OF TITLE, AND THE PAYMENT OF PATENT FEES AMOUNTING TO \$25, WITH THE APPROVAL OF THE GOVERNOR, GRANT A PATENT IF ALL OF THE FOLLOWING APPLY:

(1) THE RECORDS OF THE COMMISSION DEMONSTRATE THAT THERE HAVE BEEN WARRANTS GRANTED BY THE COMMONWEALTH FOR LANDS AUTHORIZED TO BE SOLD BY STATUTE OR BY STATUTORILY APPOINTED COMMISSIONERS.

(2) TITLES TO THE WARRANTS UNDER PARAGRAPH (1) HAVE NOT BEEN COMPLETED BY THE GRANTING OF PATENTS.

§ 6111. SATISFACTION OF CLAIMS.

(A) SCOPE.--THIS SECTION APPLIES TO LAND IN THIS COMMONWEALTH FOR WHICH THERE IS AN OUTSTANDING OFFICE RIGHT

1 GRANTED BEFORE JANUARY 1, 1935.

2 (B) AUTHORIZATION.--UPON PAYMENT OF THE FEE UNDER SUBSECTION

3 (C), THE DEPARTMENT MAY DO ALL OF THE FOLLOWING:

4 (1) CANCEL LIENS, BONDS AND MORTGAGES HELD BY THE
5 DEPARTMENT FOR UNPAID PURCHASE MONEY AND INTEREST.

6 (2) RECORD THE SATISFACTION OF THE OBLIGATION UNDER
7 PARAGRAPH (1).

8 (3) CERTIFY THE ACTION TAKEN UNDER THIS SUBSECTION.

9 (C) FEE.--THERE IS A FEE OF \$25 FOR EACH TRACT OF LAND UPON
10 WHICH AN OBLIGATION IS RELEASED UNDER THIS SECTION.

11 § 6112. PROHIBITION OF WARRANTS.

12 (A) GENERAL RULE.--EXCEPT AS SET FORTH IN SUBSECTION (B), A
13 WARRANT OR OTHER OFFICE RIGHT SHALL NOT ISSUE FOR PUBLIC LAND IF
14 ANY OF THE FOLLOWING APPLY:

15 (1) SETTLEMENT HAS BEEN MADE ON THE LAND. THIS PARAGRAPH
16 DOES NOT APPLY IF THE SETTLEMENT HAS BEEN ABANDONED
17 CONTINUOUSLY SINCE JANUARY 1, 1935. IF THE SETTLEMENT HAS
18 BEEN ABANDONED CONTINUOUSLY SINCE JANUARY 1, 1935, THE LAND
19 SHALL BE DEEMED TO BE VACANT OR UNAPPROPRIATED.

20 (2) THE LAND IS TOTALLY OR PARTIALLY CLEARED AND FENCED.

21 (3) THE LAND IS OTHERWISE IMPROVED, USED OR OCCUPIED AND
22 HELD BY DEFINED BOUNDARIES. THIS PARAGRAPH DOES NOT APPLY IF
23 THE IMPROVEMENT HAS BEEN ABANDONED CONTINUOUSLY SINCE JANUARY
24 1, 1935. IF THE IMPROVEMENT HAS BEEN ABANDONED CONTINUOUSLY
25 SINCE JANUARY 1, 1935, THE LAND SHALL BE DEEMED TO BE VACANT
26 OR UNAPPROPRIATED.

27 (B) EXCEPTION.--A WARRANT OR OTHER OFFICE RIGHT FOR PUBLIC
28 LAND MAY ISSUE TO THE PERSON THAT HAS MADE THE SETTLEMENT OR
29 DONE THE CLEARING, FENCING OR IMPROVEMENT. THIS SUBSECTION
30 APPLIES TO ANY SUCCESSOR IN INTEREST TO THE PERSON.

1 § 6113. CAVEATS.

2 (A) AUTHORITY.--A PERSON WITH A CLAIM ON LAND FOR WHICH A
3 WARRANT APPLICATION HAS BEEN MADE UNDER THIS CHAPTER MAY FILE A
4 CAVEAT WITH THE DEPARTMENT.

5 (B) COSTS.--THE CAVEATOR MUST DEPOSIT WITH THE CAVEAT A
6 FILING FEE DETERMINED BY THE DEPARTMENT AND, IN THE CASE OF
7 VACANT LAND, PURCHASE MONEY. THE PURCHASE MONEY SHALL BE
8 RETURNED TO THE CAVEATOR, LESS COSTS INCURRED BY THE BOARD, IF
9 THE BOARD DECIDES AGAINST THE CAVEATOR AND THE CAVEATOR DOES NOT
10 APPEAL THE DECISION. IF THE CAVEATOR APPEALS THE DECISION, THE
11 PURCHASE MONEY SHALL BE HELD AND DISPOSED OF AS DIRECTED BY THE
12 COURT MAKING THE FINAL DECISION ON THE APPEAL.

13 (C) LIMITATION.--A CAVEAT MUST BE FILED PRIOR TO THE
14 GRANTING OF THE PATENT. NO CAVEAT SHALL BE RECOGNIZED FOR AND
15 AFTER THE PATENT OF THE COMMONWEALTH HAS BEEN GRANTED FOR THE
16 LAND.

17 (D) PROCEDURE.--UPON FILING OF A CAVEAT, THE DEPARTMENT
18 SHALL NOTIFY THE ORIGINAL APPLICANT AND FORWARD THE APPLICATION
19 FOR WARRANT AND THE CAVEAT, WITH ALL RELATED INSTRUMENTS, TO THE
20 BOARD FOR DECISION.

21 (E) EFFECT.--THE FILING OF A CAVEAT SHALL SUSPEND ISSUANCE
22 OF THE PATENT UNTIL THE BOARD DISPOSES OF THE MATTER.

23 (F) PERFECTION.--IF THE BOARD DECIDES IN FAVOR OF THE
24 CAVEATOR, THE CAVEATOR MUST PROCEED PROMPTLY TO PERFECT TITLE
25 UNDER THIS CHAPTER AND IN COMPLIANCE WITH REGULATIONS OF THE
26 DEPARTMENT, OR THE CAVEATOR SHALL BE DEEMED TO HAVE ABANDONED
27 THE CLAIM AND RIGHT.

28 § 6114. REFUND.

29 IF THE BOARD DECIDES AGAINST THE ISSUING OF A WARRANT OR
30 OTHER OFFICE RIGHT, ANY PURCHASE MONEY PAID SHALL BE RETURNED TO

1 THE APPLICANT, LESS ALL EXPENSES INCURRED BY THE DEPARTMENT AND
2 BOARD.

3 SECTION 2. THE FOLLOWING ACTS AND PARTS OF ACTS ARE
4 REPEALED:

5 ACT OF JUNE 13, 1907 (P.L.621, NO.483), ENTITLED, AS AMENDED,
6 "AN ACT AUTHORIZING AND DIRECTING THE SECRETARY OF COMMUNITY
7 AFFAIRS TO COMPILE AND PUBLISH CONNECTED WARRANTEE TRACT MAPS OF
8 EACH OF THE SEVERAL COUNTIES OF THIS COMMONWEALTH; MAKING AN
9 APPROPRIATION FOR THE WORK OF COMPILATION, AND DIRECTING THE
10 MANNER OF SALE AND DISTRIBUTION OF THE SAME."

11 ACT OF JUNE 30, 1959 (P.L.492, NO.117), ENTITLED, AS AMENDED,
12 "AN ACT FIXING THE FEES TO BE CHARGED BY THE DEPARTMENT OF
13 COMMUNITY AFFAIRS."

14 ACT OF JULY 9, 1959 (P.L.510, NO.137), KNOWN AS THE
15 PENNSYLVANIA PUBLIC LANDS ACT.

16 SECTION 3. THE ADDITION OF 68 PA.C.S. CH. 61 IS A
17 CODIFICATION OF THE ACT OF JULY 9, 1959 (P.L.510, NO.137), KNOWN
18 AS THE PENNSYLVANIA PUBLIC LANDS ACT, AND SHALL BE CONSTRUED A
19 CONTINUATION OF THAT ACT.

20 SECTION 4. THIS ACT SHALL TAKE EFFECT IN 60 DAYS.