

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## HOUSE BILL

No. 1304 Session of  
1991INTRODUCED BY MURPHY, MICHLOVIC, PISTELLA, COWELL, TRELLO,  
PETRONE, PRESTON, CESSAR AND GIGLIOTTI, MAY 6, 1991AS REPORTED FROM COMMITTEE ON TRANSPORTATION, HOUSE OF  
REPRESENTATIVES, AS AMENDED, FEBRUARY 4, 1992

## AN ACT

1 Amending the act of April 9, 1929 (P.L.177, No.175), entitled  
2 "An act providing for and reorganizing the conduct of the  
3 executive and administrative work of the Commonwealth by the  
4 Executive Department thereof and the administrative  
5 departments, boards, commissions, and officers thereof,  
6 including the boards of trustees of State Normal Schools, or  
7 Teachers Colleges; abolishing, creating, reorganizing or  
8 authorizing the reorganization of certain administrative  
9 departments, boards, and commissions; defining the powers and  
10 duties of the Governor and other executive and administrative  
11 officers, and of the several administrative departments,  
12 boards, commissions, and officers; fixing the salaries of the  
13 Governor, Lieutenant Governor, and certain other executive  
14 and administrative officers; providing for the appointment of  
15 certain administrative officers, and of all deputies and  
16 other assistants and employes in certain departments, boards,  
17 and commissions; and prescribing the manner in which the  
18 number and compensation of the deputies and all other  
19 assistants and employes of certain departments, boards and  
20 commissions shall be determined," authorizing the Department  
21 of Transportation to convey CERTAIN excess real property to  
22 certain public agencies or tenants. <—

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

25 Section 1. Section 2003(e)(7) of the act of April 9, 1929  
26 (P.L.177, No.175), known as The Administrative Code of 1929,  
27 amended December 7, 1979 (P.L.478, No.100), is amended BY ADDING <—

1 SUBCLAUSES to read:

2 Section 2003. Machinery, Equipment, Lands and Buildings.--

3 The Department of Transportation in accord with appropriations  
4 made by the General Assembly, and grants of funds from Federal,  
5 State, regional, local or private agencies, shall have the  
6 power, and its duty shall be:

7 \* \* \*

8 (e) \* \* \*

9 (7) Any other provisions of this act to the contrary  
10 notwithstanding, the department may sell at public sale any land  
11 acquired by the department if the secretary determines that the  
12 land is not needed for present or future transportation  
13 purposes:

14 ~~(i) Improved land shall first be offered at its fair market~~ <—  
15 ~~value as determined by the department to other public agencies~~  
16 ~~which demonstrate a public purpose for the land unless the land~~  
17 ~~is located in a county of the second class A not governed under~~  
18 ~~a home rule charter. If not transferred to a public agency or if~~  
19 ~~located in a county of the second class A not governed under a~~  
20 ~~home rule charter, the improved land occupied by a tenant of the~~  
21 ~~department shall [first] then be offered to the tenant at its~~  
22 ~~fair market value as determined by the department, except that~~  
23 ~~if the tenant is the person from whom the department acquired~~  
24 ~~the land, it shall be offered to the tenant at the acquisition~~  
25 ~~price, less costs, expenses and reasonable attorneys' fees~~  
26 ~~incurred by the person as a result of the acquisition of the~~  
27 ~~land by the department. If there is no tenant and the person~~  
28 ~~from whom the department acquired the land did not receive a~~  
29 ~~replacement housing payment under section 602 A of the "Eminent~~  
30 ~~Domain Code," or under former section 304.3 of the act of June~~

1 ~~1, 1945 (P.L.1242, No.428), known as the "State Highway Law,"~~  
2 ~~the land to be sold shall first be offered to such person at the~~  
3 ~~acquisition price, less costs, expenses and reasonable~~  
4 ~~attorneys' fees incurred by the person as a result of the~~  
5 ~~acquisition of the land by the department. As used in this~~  
6 ~~subclause and subclause (ii), the term "public agency" shall~~  
7 ~~include authorities and political subdivisions.~~

8 ~~(ii) Unimproved land shall first be offered at its fair~~  
9 ~~market value as determined by the department to other public~~  
10 ~~agencies which demonstrate a public purpose for the land, unless~~  
11 ~~the land is located in a county of the second class A not~~  
12 ~~governed under a home rule charter. If not transferred to a~~  
13 ~~public agency or if located in a county of the second class A~~  
14 ~~not governed under a home rule charter, the unimproved land~~  
15 ~~shall [first] then be offered to the person from whom it was~~  
16 ~~acquired at its acquisition price, less costs, expenses and~~  
17 ~~reasonable attorneys' fees incurred by the person as a result of~~  
18 ~~the acquisition of the land by the department, if the person~~  
19 ~~still retains title to land abutting the land to be sold. If the~~  
20 ~~land abutting the land to be sold has been conveyed to another~~  
21 ~~person, the land to be sold shall first be offered to that~~  
22 ~~person at its fair market value as determined by the department.~~

23 ~~(iii) Notice of the offer described in either subclause (i)~~  
24 ~~or (ii) shall be sent by certified mail, or, if notice cannot be~~  
25 ~~so made, in the manner required for "in rem" proceedings. The~~  
26 ~~offeree shall have one hundred twenty (120) days after receipt~~  
27 ~~of notice to accept the offer in writing.~~

28 ~~(iv) Revenue from any sale of land acquired with motor~~  
29 ~~license funds shall be deposited in the Motor License Fund.~~

30 \* \* \*

<—

1       (V) IMPROVED LAND LOCATED WITHIN A COUNTY OF THE SECOND  
2 CLASS OR IN A CITY OF THE SECOND CLASS SHALL FIRST BE OFFERED AT  
3 ITS FAIR MARKET VALUE AS DETERMINED BY THE DEPARTMENT TO  
4 INTERESTED PUBLIC ENTITIES WHICH DEMONSTRATE A PUBLIC PURPOSE  
5 FOR THE LAND. IF NOT TRANSFERRED TO AN INTERESTED PUBLIC ENTITY,  
6 THE IMPROVED LAND OCCUPIED BY A TENANT OF THE DEPARTMENT SHALL  
7 THEN BE OFFERED TO THE TENANT AT ITS FAIR MARKET VALUE AS  
8 DETERMINED BY THE DEPARTMENT, EXCEPT THAT IF THE TENANT IS THE  
9 PERSON FROM WHOM THE DEPARTMENT ACQUIRED THE LAND, IT SHALL BE  
10 OFFERED TO THE TENANT AT THE ACQUISITION PRICE, LESS COSTS,  
11 EXPENSES AND REASONABLE ATTORNEYS' FEES INCURRED BY THE PERSON  
12 AS A RESULT OF THE ACQUISITION OF THE LAND BY THE DEPARTMENT. IF  
13 THERE IS NO TENANT AND THE PERSON FROM WHOM THE DEPARTMENT  
14 ACQUIRED THE LAND DID NOT RECEIVE A REPLACEMENT HOUSING PAYMENT  
15 UNDER SECTION 602-A OF THE "EMINENT DOMAIN CODE," OR UNDER  
16 FORMER SECTION 304.3 OF THE ACT OF JUNE 1, 1945 (P.L.1242,  
17 NO.428), KNOWN AS THE "STATE HIGHWAY LAW," THE LAND TO BE SOLD  
18 SHALL FIRST BE OFFERED TO SUCH PERSON AT THE ACQUISITION PRICE,  
19 LESS COSTS, EXPENSES AND REASONABLE ATTORNEYS' FEES INCURRED BY  
20 THE PERSON AS A RESULT OF THE ACQUISITION OF THE LAND BY THE  
21 DEPARTMENT. AS USED IN THIS SUBCLAUSE AND SUBCLAUSE (VI), THE  
22 TERM "INTERESTED PUBLIC ENTITY" SHALL INCLUDE AUTHORITIES AND  
23 POLITICAL SUBDIVISIONS LOCATED WITHIN A COUNTY OF THE SECOND  
24 CLASS.

25       (VI) UNIMPROVED LAND LOCATED IN A COUNTY OF THE SECOND CLASS  
26 OR IN A CITY OF THE SECOND CLASS SHALL FIRST BE OFFERED AT ITS  
27 FAIR MARKET VALUE AS DETERMINED BY THE DEPARTMENT TO INTERESTED  
28 PUBLIC ENTITIES WHICH DEMONSTRATE A PUBLIC PURPOSE FOR THE LAND.  
29 IF NOT TRANSFERRED TO AN INTERESTED PUBLIC ENTITY, THE  
30 UNIMPROVED LAND SHALL THEN BE OFFERED TO THE PERSON FROM WHOM IT

1 WAS ACQUIRED AT ITS ACQUISITION PRICE, LESS COSTS, EXPENSES AND  
2 REASONABLE ATTORNEYS' FEES INCURRED BY THE PERSON AS A RESULT OF  
3 THE ACQUISITION OF THE LAND BY THE DEPARTMENT, IF THE PERSON  
4 STILL RETAINS TITLE TO LAND ABUTTING THE LAND TO BE SOLD. IF THE  
5 LAND ABUTTING THE LAND TO BE SOLD HAS BEEN CONVEYED TO ANOTHER  
6 PERSON, THE LAND TO BE SOLD SHALL FIRST BE OFFERED TO THAT  
7 PERSON AT ITS FAIR MARKET VALUE AS DETERMINED BY THE DEPARTMENT.

8 \* \* \*

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