

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2190 Session of
2003

INTRODUCED BY ROSS, ARMSTRONG, BALDWIN, BARD, BARRAR, BUNT,
CAPPELLI, CORRIGAN, COY, CRAHALLA, CURRY, GODSHALL, HARPER,
HENNESSEY, KELLER, LEACH, LEVDANSKY, MUSTIO, O'NEILL, PETRI,
RUBLEY, SCAVELLO, SCHRODER, E. Z. TAYLOR, VANCE, WALKO,
WATSON, WEBER AND YOUNGBLOOD, NOVEMBER 24, 2003

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, NOVEMBER 24, 2003

AN ACT

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

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

8 Section 1. Section 1503 of the act of May 1, 1933 (P.L.103,
9 No.69), known as The Second Class Township Code, reenacted and
10 amended November 9, 1995 (P.L.350, No.60) and amended February
11 21, 2002 (P.L.153, No.12), is amended to read:

12 Section 1503. Real Property.--(a) No real estate owned by
13 the township having a value in excess of fifteen hundred dollars
14 (\$1,500) may be sold except to the highest bidder after due
15 notice by advertisement for bids or advertisement of a public
16 auction in one newspaper of general circulation in the township.
17 The advertisement shall be published once not less than ten days
18 before the date set for the opening of bids or public auction,

1 and the date for opening bids or public auction shall be
2 announced in the advertisement. The award of contracts shall be
3 made only by public announcement at a regular or special meeting
4 of the board of supervisors or at the public auction. All bids
5 shall be accepted on the condition that payment of the purchase
6 price in full shall be made within sixty days of the acceptance
7 of bids.

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

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

28 (1) A municipal corporation.

29 (2) The Federal Government.

30 (3) The Commonwealth

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

24 (d) When real property is sold to a nonprofit corporation
25 organized as a public library or to a nonprofit medical service
26 corporation, nonprofit housing corporation, volunteer fire
27 company, volunteer ambulance service or volunteer rescue squad,
28 the board of supervisors may elect to accept any nominal
29 consideration for the property as it believes appropriate. Real
30 property sold under this subsection is subject to the condition

1 that when the property is not used for the purposes of the
2 corporation or volunteer fire company, the property reverts to
3 the township.

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

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

1 right.

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