
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2224 Session of
2012

INTRODUCED BY CUTLER, DePASQUALE, DENLINGER, BOYD, CLYMER,
GEIST, HICKERNELL, HORNAMAN, MILLER, MOUL, PYLE, SWANGER,
TOOHIL, TRUITT AND VULAKOVICH, FEBRUARY 29, 2012

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, FEBRUARY 29, 2012

AN ACT

1 Amending the act of December 15, 1959 (P.L.1772, No.670),
2 entitled "An act providing for the orderly disposition of
3 properties situate within political subdivisions and donated,
4 or otherwise dedicated or offered for dedication, where no
5 formal record appears as to acceptance by the political
6 subdivision, as public parks, squares or similar uses and
7 public buildings, and no longer necessary or practicable for
8 such purposes, and granting orphans' courts jurisdiction with
9 respect thereto," further providing for purchase or
10 condemnation of property.

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

13 Section 1. Section 6 of the act of December 15, 1959
14 (P.L.1772, No.670), entitled "An act providing for the orderly
15 disposition of properties situate within political subdivisions
16 and donated, or otherwise dedicated or offered for dedication,
17 where no formal record appears as to acceptance by the political
18 subdivision, as public parks, squares or similar uses and public
19 buildings, and no longer necessary or practicable for such
20 purposes, and granting orphans' courts jurisdiction with respect
21 thereto," is amended to read:

1 Section 6. (a) Nothing in this act shall be construed to
2 limit or affect the control by a political subdivision of public
3 lands or buildings acquired by such political subdivision by
4 purchase [or condemnation.] if any of the following apply:

5 (1) The instrument of conveyance transferring title to the
6 political subdivision is unencumbered by a restriction or
7 covenant of record prescribing the lands, buildings or public
8 facilities for public use.

9 (2) A restriction or covenant prescribing the lands,
10 buildings or public facilities for public use which is placed of
11 record at, or subsequent to, the time of purchase by the
12 political subdivision is duly released or removed as permitted
13 by statute.

14 (b) This act shall not apply to lands, buildings or public
15 facilities acquired by a political subdivision through
16 condemnation.

17 (c) Notwithstanding section 2, exempt lands, buildings or
18 public facilities acquired by a political subdivision through
19 purchase or condemnation, if subsequently dedicated to public
20 use or not, shall not be deemed to be held by the political
21 subdivision in trust for the benefit of the public and may be
22 conveyed, sold, alienated or disposed of as permitted under the
23 Pennsylvania Code or, in the case of condemnation, 26 Pa.C.S.
24 (relating to eminent domain).

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