

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, VULAKOVICH, BRIGGS, CREIGHTON AND MILNE,
FEBRUARY 29, 2012

AS REPORTED FROM COMMITTEE ON LOCAL GOVERNMENT, HOUSE OF
REPRESENTATIVES, AS AMENDED, MAY 8, 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

1 thereto," is amended to read:

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

6 (1) The instrument of conveyance transferring title to the
7 political subdivision is unencumbered by a restriction or
8 covenant ~~of record~~ RECORDED WITH THE COUNTY OFFICE WHERE DEEDS ←
9 ARE RECORDED prescribing the lands, buildings or public
10 facilities for public use.

11 (2) A restriction or covenant prescribing the lands,
12 buildings or public facilities for public use which is ~~placed of~~ ←
13 ~~record~~ RECORDED WITH THE COUNTY OFFICE WHERE DEEDS ARE RECORDED ←
14 at, or subsequent to, the time of purchase by the political
15 subdivision is duly released or removed as permitted by statute.

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

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

28 (D) AS USED IN THIS SECTION, PURCHASE SHALL INCLUDE ANY ←
29 TRANSACTION IN WHICH MONETARY CONSIDERATION IN ANY AMOUNT WAS
30 PAID BY THE POLITICAL SUBDIVISION.

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



2 IMMEDIATELY.

