

No. 86.

AN ACT

Providing for the assessment of benefits and award of damages by the viewers appointed in counties of the second class pursuant to the provisions of an act, approved the eleventh day of May, one thousand nine hundred eleven (Pamphlet Laws, two hundred forty-four), entitled "An act providing for the original location, laying out and construction of public roads or highways in the several counties of this Commonwealth, and for the permanent improvement of certain public roads or highways therein; making such originally constructed or improved roads and highways county roads; authorizing the relocation, opening, straightening, widening, extension and alteration of the same, and the vacation of so much of any road as may thereby become unnecessary; providing that the county commissioners of any county may prescribe rules regulating the use of roads constructed or maintained by the various counties, and prescribing penalties for the violation thereof; providing for the taking of property for such improvement, the compensation to be paid therefor, and the payment of damages resulting from such taking, and the manner in which such damages may be determined; providing for the payment of the costs and expenses of such construction or improvement and in thereafter repairing and maintaining said roads; authorizing the levy of a tax or the issuing of bonds to provide a fund for the expense thereof; prescribing a method for improving a county road lying within or traversing a borough, and apportioning the cost of such improvement; and authorizing the vacation of any county road"; and providing for the filing, reviving, and collecting of liens arising from any assessment of benefits thereunder.

Counties of the second class.

Roads and highways.

Act of May 11, 1911 (P. L. 244).

Section 1. Be it enacted, &c., That in counties of the second class, whenever any road or highway shall be originally located, laid out, or constructed, or relocated, opened, straightened, widened, extended, or altered, or any part thereof vacated, under the provisions of an act, approved the eleventh day of May, one thousand nine hundred eleven (Pamphlet Laws, two hundred forty-four), entitled "An act providing for the original location, laying out and construction of public roads or highways in the several counties of this Commonwealth, and for the permanent improvement of certain public roads or highways therein; making such originally constructed or improved roads and highways county roads; authorizing the relocation, opening, straightening, widening, extension and alteration of the same, and the vacation of so much of any road as may thereby become unnecessary; providing that the county commissioners of any county may prescribe rules regulating the use of roads constructed or maintained by the various counties, and prescribing penalties for the violation thereof; providing for the taking of property for such improvement, the compensation to be paid therefor, and the payment of damages resulting from such taking, and the manner in which such damages may be determined; providing for the payment of the costs and expenses of such construction or improvement and in thereafter repair-

ing and maintaining said roads; authorizing the levy of a tax or the issuing of bonds to provide a fund for the expense thereof; prescribing a method for improving a county road lying within or traversing a borough, and apportioning the cost of such improvement; and authorizing the vacation of any county road," and the amendments and supplements thereto, the damages sustained shall be assessed and paid in the manner hereinafter set forth.

Section 2. The viewers appointed pursuant to said act, after having determined the amount of damages sustained, shall assess the whole or such part of such damages as may be represented by benefits upon the properties abutting on and benefited by such improvements, and the remaining part of such damages, if any, not so assessed against the abutting properties, shall be paid by the county. The total assessments for benefits shall in no case exceed the total damages awarded and agreed upon.

Assessment of damages.

Section 3. All assessments for benefits shall bear interest at the expiration of thirty days after they shall have been finally determined and fixed, and shall be payable to the treasurer or other proper officer of the county.

Interest.

Section 4. The viewers appointed pursuant to the provisions of the said act and authorized to assess benefits according to the provisions of this act shall, in such cases, file their report, showing the balance struck between the damages awarded and the benefits assessed.

Payment of assessments.

Assessment of benefits.

Section 5. The appointment of the viewers, and the making of their award, and the filing of exceptions thereto, and the right of trial by jury and appeals therefrom, shall remain as heretofore.

Procedure.

Section 6. No appeal taken shall prevent the filing of liens by any county for any assessment made by virtue of the viewers' report, but, upon the final determination of the issue, the court may make such order as to any lien filed that shall appear right and proper.

Liens.

Section 7. All liens for the assessment of benefits pursuant to the provisions of this act shall be filed, revived, and collected, the same as municipal liens or claims are now collected by virtue of the acts of Assembly authorizing the filing, reviving, and collecting of municipal claims or liens now in force, by the proper officer of the county, appointed and authorized so to do by the county commissioners thereof.

Filing.

Collection.

APPROVED—The 13th day of April, A. D. 1921.

WM. C. SPROUL.