

Section 411. Compensation for Damages Occasioned by Construction, Relocation, Protection, Alteration, or Abolition of Crossings.—(a) The compensation for damages which the owners of adjacent property taken, injured, or destroyed may sustain in the construction, relocation, alteration, protection, or abolition of any crossing under the provisions of this act, shall, after due notice and hearing, be ascertained and determined by the commission. Such compensation, as well as the [expense] *cost* of [such] construction, relocation, alteration, protection, or abolition of [any] *such* crossing, *and of facilities at or adjacent to such crossing which are used in any kind of public utility service*, shall be borne and paid, as hereinafter provided, by the public utilities or municipal corporations concerned, or by the Commonwealth, in such proper proportions as the commission may, after due notice and hearing, determine, unless such proportions are mutually agreed upon and paid by the interested parties. Any party to the proceeding dissatisfied with the determination of the commission may appeal therefrom, as provided in section one thousand one hundred one of this act, and for this purpose is hereby authorized to sue the Commonwealth: Provided, however, That the commission may, of its own motion, or upon application of any party in interest, submit to the court of common pleas of the county wherein the property affected is located, the determination of the amount of damages to any property owner due to such condemnation, for which purpose such court shall appoint viewers, from whose award of damages an appeal to said court shall lie on the part of any person or party aggrieved thereby, under the general law applicable to the appointment of viewers, for the ascertainment of damages due to the condemnation of private property for public use.

\* \* \* \* \*

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

Effective date.

APPROVED—The 3d day of July, A. D. 1963.

WILLIAM W. SCRANTON

---

No. 122

AN ACT

Amending the act of April 18, 1929 (P. L. 607), entitled "An act permitting county commissioners in counties of the seventh class, when acting as trustees of property for public purposes, to invest moneys in such trust in such securities as are lawful investments for funds in the hands of fiduciaries," extending the provisions of the act to counties of the sixth class, regulating

advertisement requirements for the sale of real estate in such cases, and providing for the compensation and mileage of commissioners acting as incorporated commissioners.

County commissioners.

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

Section 1, act of April 18, 1929, P. L. 607, amended.

Section 1. Section 1, act of April 18, 1929 (P. L. 607), entitled "An act permitting county commissioners in counties of the seventh class, when acting as trustees of property for public purposes, to invest moneys in such trust in such securities as are lawful investments for funds in the hands of fiduciaries," is amended to read:

Counties of sixth or seventh class.

Section 1. Be it enacted, &c., That whenever the commissioners of any county of the *sixth or seventh class* of this Commonwealth have been heretofore, or may hereafter be, incorporated as commissioners or trustees of any real or personal property, the income whereof is to be expended for any public purpose or purposes within the county, it shall be lawful for such commissioners to invest and reinvest any moneys realized from the sale of any of such property, or from the repayment of any loan, in such securities as are by law made legal investments for funds in the hands of fiduciaries.

Investment of trust funds by county commissioners.

Section 2. The act is amended by adding, after section 1, two new sections to read:

Power to sell real estate with procedures outlined.

*Section 1.1. Notwithstanding the contrary provisions of any other law, whether general, local or special, any incorporated commissioners may sell, transfer or convey any real estate under their jurisdiction as incorporated commissioners, at any time after ten days following the publication of a notice of intent to sell has been published in a newspaper of general circulation in the county in which the real estate is situate, provided all other requirements of law relating to the sale thereof have been complied with, and unless objections to such sale, transfer or conveyance have been filed with the court of common pleas of such county during such ten-day period, in which case such real estate may not be sold, transferred or conveyed unless such objections are disallowed by the court or dismissed by the court for failure to providently pursue the same.*

Compensation and fees.

*Section 1.2. Notwithstanding the contrary provisions of any other law, whether general, local or special, the annual compensation and mileage of county commissioners acting as incorporated commissioners, for their services as incorporated commissioners, shall be fixed for the year 1963, and annually thereafter before the beginning of any fiscal year following 1963, by the court of common pleas of the county for which the commissioners serve as incorporated commissioners.*

Section 3. All acts, whether general, local or special are hereby repealed to the extent that they are inconsistent with the provisions of this act. General repeal.

APPROVED—The 3d day of July, A. D. 1963.

WILLIAM W. SCRANTON

No. 123

AN ACT

Authorizing the Department of Property and Supplies, with the approval of the Governor, to convey 6.816 acres of land, more or less, in the Borough of Norristown, Montgomery County, Pennsylvania, to the Borough of Norristown.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows: Real property.

Section 1. The Department of Property and Supplies, with the approval of the Governor, is hereby authorized on behalf of the Commonwealth of Pennsylvania to convey to the Borough of Norristown, Montgomery County, Pennsylvania, all those two tracts or parcels of land situate in the Borough of Norristown, Montgomery County, Pennsylvania, more particularly bounded and described as follows: Department of Property and Supplies, with approval of Governor, authorized to convey certain land in Norristown Borough, Montgomery County.

Tract No. 1.

Beginning at a rail monument marking the intersection of the easterly right of way line of the Stony Creek Railroad Company with the Wildman Manufacturing Company's north boundary line and the former Elizabeth Moyer Farms' southerly boundary line (now owned by the Commonwealth of Pennsylvania); thence extending from the above described point of beginning south 46 degrees 6 minutes east 276.6 feet to a stake a corner; thence north 45 degrees 54 minutes east 88.28 feet to a stake; thence north 27 degrees 54 minutes east 44 feet to a stake a point of intersection of the former Aged Womens Home southerly boundary line and the former Elizabeth Moyer Farm line; thence north 45 degrees 12 minutes west 77 feet to a stake; thence north 2 degrees 40 minutes east 68 feet to a stake; thence north 22 degrees 6 minutes east 100 feet to a stake; thence north 7 degrees 51 minutes east 75 feet to a stake; thence north 47 degrees 5 minutes east 95 feet to a stake; thence north 8 degrees 59 minutes east 190 feet to a stake; thence north 47 degrees 37 minutes east 165 feet to a stake; thence north 32 degrees east 115 feet to a stake; thence north 32 degrees 39 minutes east 147 feet to a stake; thence Descriptions.