

## 1972 SPECIAL SESSION NO. 1

No. 3

## AN ACT

HB 8

Amending the act of June 22, 1964 (P.L.84), entitled "An act to codify, amend, revise and consolidate the laws relating to eminent domain," adding highway projects to the provision having to do with damages by floods.

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

Section 1. Section 602, act of June 22, 1964 (P.L.84), known as the "Eminent Domain Code," amended December 29, 1971 (P.L.635), is amended to read:

Section 602. Measure of Damages.—Just compensation shall consist of the difference between the fair market value of the condemnee's entire property interest immediately before the condemnation and as unaffected thereby and the fair market value of his property interest remaining immediately after such condemnation and as affected thereby, and such other damages as are provided in this code.

In case of the condemnation of property in connection with any urban development or redevelopment project, which property is damaged by subsidence due to failure of surface support resulting from the existence of mine tunnels or passageways under the said property, or by reason of fires occurring in said mine tunnels or passageways or of burning coal refuse banks, the damage resulting from such subsidence or underground fires or burning coal refuse banks shall be excluded in determining the fair market value of the condemnee's entire property interest therein immediately before the condemnation.

In case of the condemnation of property in connection with any flood control project *or highway project* which property is damaged by floods, the damage resulting therefrom shall be excluded in determining fair market value of the condemnee's entire property interest therein immediately before the condemnation; provided such damage has occurred within three years of the date of taking and during the ownership of the property by the condemnee. The damage resulting from floods to be excluded shall include only actual physical damage to the property for which the condemnee has not received any compensation or reimbursement.

Section 2. This act shall take effect immediately and shall apply to all highway projects damaged by the storm and flood of June, 1972, whether or not property acquisition had commenced prior to June, 1972.

APPROVED—The 1st day of September, A. D. 1972.

MILTON J. SHAPP

The foregoing is a true and correct copy of Act of the General Assembly  
No. 3.

A handwritten signature in black ink, reading "C. McLaughlin Tucker". The signature is written in a cursive style with a large, prominent initial "C".

*Secretary of the Commonwealth.*