

No. 1978-252

## AN ACT

SB 1236

Amending the act of August 2, 1967 (P.L.189, No.61), entitled "An act to ratify and adopt the Wheeling Creek Watershed Protection and Flood Prevention District Compact for the prevention of floods and the conservation, development, utilization and disposal of water within the Wheeling Creek watershed or subwatershed areas, and making the Commonwealth of Pennsylvania a party thereto; creating the "Wheeling Creek Watershed Protection and Flood Prevention Commission," providing for the members of such commission from the Commonwealth of Pennsylvania; and providing for the carrying out of said compact," further providing for the sale, exchange or lease by the Commission of excess property.

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

Section 1. Article VI, act of August 2, 1967 (P.L.189, No.61), referred to as the Wheeling Creek Watershed Protection and Flood Prevention District Compact, is amended by adding a clause to read:

## ARTICLE VI. POWERS AND DUTIES

The Commission is hereby authorized and empowered:

\* \* \*

*(1) The Commission, subject to the conditions herein, may sell, exchange or lease property, real or personal, or any interest therein.*

*When the property, or any interest or right therein, is being held for future use, it may be leased. When the real property, or any part thereof, or any interest or right therein, is deemed by the Commission not necessary, or desirable for present or presently foreseeable future use, it may be exchanged for other property, or any interest or right therein, deemed by the Commission to be necessary or desirable for present or presently foreseeable future use, or may be sold. In addition the Commission may exchange real property, or any part thereof, or any interest or right therein, even though it may be desirable or necessary for present or presently foreseeable future use, if the exchange is made for other real property, or any interest or right therein, in close proximity thereto which the Commission deems of equal or superior value for presently foreseeable future use. In making exchanges the Commission may make allowances for differences in values of the properties being exchanged and may move or pay the cost of moving buildings, structures, or appurtenances in connection with the exchange.*

*Every such sale of real property, or any interest or right therein or structure thereon, shall be at public auction in the county in which the real property, or the greater part thereof in value, is located, and the Commission shall advertise, by publication or otherwise, the time, place*

*and terms of such sale at least twenty days prior thereto. The property shall be sold in the manner which will bring the highest and best price therefor. The Commission may reject any and all bids received at the sale. The Commission shall keep a record, open to public inspection, indicating the manner in which such real property, or any interest or right therein or structure thereon, was publicly advertised for sale, the highest bid received therefor and from whom, the person to whom sold, and payment received therefor. Such record shall be kept for a period of five years and may thereafter be destroyed.*

*The Commission may insert in any deed or conveyance, whether it involves an exchange, lease or sale, such conditions as are in the public interest.*

*All moneys received from the exchange, sale or lease of real or personal property, or any right or interest therein, shall be paid into the Commission's treasury and used for the purpose for which the Commission was created.*

*If the Commission has heretofore sold and conveyed away or leased any such property, such transactions and the documents of lease or transfer therefor are hereby approved and confirmed and shall be as effective as if the authority to lease or convey the said property had been given in this statute as originally enacted.*

Section 2. This act shall take effect immediately insofar as it relates to property situated in the Commonwealth of Pennsylvania, but shall not apply to property situated in the State of West Virginia until similar provisions are enacted by the State of West Virginia.

APPROVED—The 5th day of October, A. D. 1978.

MILTON J. SHAPP