

No. 1982-25

AN ACT

SB 585

Amending the act of June 22, 1964 (1st Sp.Sess., P.L.84, No.6), entitled "An act to codify, amend, revise and consolidate the laws relating to eminent domain," prohibiting the imposition of taxes or fees on certain condemned property and providing for the resale of certain condemned property.

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

Section 1. Section 410, act of June 22, 1964 (1st Sp.Sess., P.L.84, No.6), known as the "Eminent Domain Code," amended July 12, 1980 (P.L.654, No.135), is amended to read:

Section 410. Abandonment of Project.—(a) If a condemnor has condemned a fee and thereafter abandons the purpose for which the property has been condemned, the condemnor may dispose of it by sale or otherwise: Provided, however, That if the property has not been substantially improved, it may not be disposed of within three years after condemnation without first being offered to the condemnee at the same price paid to the condemnee by the condemnor: And provided further, That if the property is not located within the corporate boundaries of a county of the first or second class and has not been substantially improved and was devoted to agricultural use at the time of the condemnation, it may not be disposed of within twelve years after condemnation without first being offered to the condemnee at the same price paid to the condemnee by the condemnor. The condemnee shall be served with notice of the offer in the same manner as prescribed for the service of notices in subsection (b) of section 405 of this act, and shall have ninety days after receipt of such notice to make written acceptance thereof.

(b) The condemnor may not condition any offer required to be made to a condemnee under subsection (a), on the payment by the condemnee of additional fees, real estate taxes or payments in lieu of taxes or other costs.

[(b)] (c) As used in this section:

"Agricultural commodity" means any and all plant and animal products including Christmas trees produced in this State for commercial purposes.

"Agricultural use" means use of the land for the purpose of producing an agricultural commodity or when devoted to and meeting the requirements and qualifications for payments or other compensation pursuant to a soil conservation program under an agreement with an agency of the Federal Government. Land containing a farmhouse or other buildings related to farming shall be deemed to be in agricultural use.

Section 2. The act is amended by adding a section to read:

Section 411. Certain Resales to Original Owners.—Any condemnor, who acquires property pursuant to the provisions of this act solely for or substantially for subterranean excavation or construction, and who upon completion of the project plans to offer the surface of the condemned property for sale in an unimproved condition or in a condition similar to that in which the property was upon acquisition, shall first offer to sell the affected property to the original owner or owners for the appraised fair market value of the property at the time of the completion of the project.

Section 3. This act shall take effect in 60 days.

APPROVED—The 18th day of February, A. D. 1982.

DICK THORNBURGH