

LEGISLATURE OF PENNSYLVANIA.

FILE OF THE HOUSE OF REPRESENTATIVES.

No. **830** Session of
1919.

INTRODUCED BY MR. WELLS, MARCH 10, 1919.

REFERRED TO COMMITTEE ON JUDICIARY SPECIAL,
MARCH 11, 1919.

AN ACT

Relating to proceedings under the right of eminent domain requiring the parties seeking to acquire the land to file of record a certificate of the admitted amount of damages providing for the entry of judgment for the amount so admitted and for collection thereof with leave to the parties injured to proceed for any further amount claimed to be due as compensation

1 Section 1 *Be it enacted by the Senate and House of Repre-*
2 *sentatives of the Commonwealth of Pennsylvania in General Assembly*
3 *met and it is hereby enacted by the authority of the same That*
4 *in all proceedings for the appropriation and acquisition of*
5 *land under the right of eminent domain when the bond*
6 *to secure the payment of damages to the landowner or*
7 *other party who may be injured thereby is filed in the*
8 *proper court there shall be filed with the said bond a*
9 *certificate of the party or parties desiring to appropriate*
10 *and acquire the land stating the amount of the damages*

1 which they admit to be due to the owner or owners or
2 other party who may be injured thereby for the taking
3 of the land Said certificate in the case of a corporation
4 shall be verified by oath of an executive officer of said
5 corporation and in the case of a municipality township
6 county school district poor district the Commonwealth or
7 the United States by such officer as shall be charged by
8 law with the duty of instituting such condemnation pro-
9 ceedings

10 In all proceedings for the appropriation and acquisition
11 of land as aforesaid where the party condemning such
12 land is not required by law to file a bond to secure
13 payment of damages no title or right of possession un-
14 der the proceedings shall accrue to such party until a
15 similar certificate is filed in the court having jurisdiction
16 of the proceedings

17 Where an entire tract is proposed to be taken and
18 the amount so admitted to be the value of the said
19 land is less than the value thereof as assessed for the
20 current year for taxation for county purposes and in
21 cities co-extensive with counties for city purposes it shall
22 also be accompanied by the oaths of two persons familiar
23 with the value of real estate in the vicinity to the ef-
24 fect that the amount so admitted is the fair market
25 value of the said land

26 In all other cases the certificate shall be accompanied
27 by the affidavit of two persons familiar with the value
28 of real estate in the vicinity stating that the amount

1 specified therein is a fair and conscionable estimate of
2 the damage

3 Section 2 Where more than one parcel of land shall
4 be taken in the same proceedings or where there shall
5 be more than one owner in severalty of the land so
6 taken the said certificate shall specify so far as is prac-
7 ticable the value of the separate parcels of land sepa-
8 rately or the value of the land owned by each separate
9 owner in severalty but it shall be sufficient if the said
10 certificate shall divide the said land into parcels as the
11 same shall appear of record by registry or by deed

12 Section 3 When such certificate shall have been filed
13 it shall be the right of any owner or joint owners of
14 any parcel of land so taken to move for judgment in
15 his or their favor and against the party or parties seek-
16 ing to acquire the land by such condemnation proceedings
17 for the amount admitted to be due and the court shall
18 thereupon enter such judgment with leave to proceed to
19 execution for the collection thereof according to law and
20 without prejudice to the right of such claimant to pro-
21 ceed for the collection of such further sums as shall be
22 claimed to be the true damages suffered The judgment so
23 entered shall carry the claimants proper costs to the date
24 of entry thereof with such costs as may thereafter be
25 incurred by execution

26 Section 4 Proceedings for the recovery of any addi-
27 tional sum alleged to be due over and above the amount
28 admitted shall be as provided by law but no costs shall
29 be assessed against the party or parties seeking to acquire

1 the land as aforesaid for such further proceedings unless
2 additional competition be awarded the particular claimant

3 Section 5 Time for filing of the certificate required
4 by the first section of this act may be extended by the
5 court on cause shown but in no event shall the bond
6 be approved until the certificate is filed