
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. **598** Session of
1961

INTRODUCED BY MESSRS. DISILVESTRO, WEINER, MCGINNIS
AND MCCREESH, MAY 2, 1961.

REFERRED TO COMMITTEE ON FORESTS AND WATERS,
GAME AND FISH, MAY 2, 1961.

AN ACT

Enabling the Commonwealth through the Department of Forests and Waters or any political subdivision of the Commonwealth to acquire by purchase lease gift eminent domain bequest devise or otherwise property interests for park or reservoir purposes and providing for the condemnation valuation assessment and sale of such property interests

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

EXPLANATION—CAPITAL LETTERS indicate new matter added to bill. Matter stricken through is to be omitted from bill. Underlining indicates new matter added to existing law. [Brackets] indicate matter stricken from existing law.

1 Section 1 Statement of Legislative Intent It is the purpose of this
2 act to clarify and broaden the existing methods by which the Common-
3 wealth and its political subdivisions may preserve or acquire desirable
4 land for park or reservoir sites or may maintain and enhance the value
5 of existing park or reservoir sites The Legislature finds that expanded
6 park and reservoir facilities will be needed to meet demands of a grow-
7 ing population The opportunity for future enlargement of existing sites
8 or the availability for acquisition of planned new sites can sometimes
9 be assured only through the early acquisition of property interests in
10 those sites Moreover acquisition of property interests less than a fee
11 simple may assure the future availability of lands for park or reservoir
12 purposes as well as permit more effective planning by the Common-
13 wealth or by any of its political subdivisions The Legislature further
14 finds that acquisition of property interests less than a fee simple in
15 lands adjacent to existing or planned future park or reservoir sites may
16 be necessary for the protection or enhancement of those facilities The
17 acquisition of property interests authorized by this act for park or
18 reservoir purposes is therefore declared to be for the promotion of

1 public health safety morals and general welfare of the citizens of the
2 Commonwealth

3 Section 2 Definitions For the purposes of this act the following
4 definitions shall apply

5 (1) "Reservoir" That which is used for purposes including but
6 not limited to water supply flood control conservation or recreation

7 (2) "Conservation easements" An easement or other property in-
8 terest by which the fee owners their heirs successors and assigns are
9 restricted from making any changes in their realty inconsistent with
10 the purposes for which property interests have been acquired as stated
11 in section 3 of this act Such an easement or property interest may
12 include but shall not be limited to restrictions against erecting destroy-
13 ing or altering buildings or other structures removing trees or other
14 planting changing existing use altering public utility facilities dumping
15 of wastes changing any features of the natural landscape or other ac-
16 tivities inconsistent with present use as a buffer or future use as a
17 site for parks or reservoirs

18 (3) "Governmental unit" The Commonwealth of Pennsylvania
19 acting through the Department of Forests and Waters or any of the
20 political subdivisions of the Commonwealth

1 (4) "Political subdivision" Any county city borough town or town-
2 ship within the Commonwealth of Pennsylvania

3 (5) "Property interest" Any right in property whatsoever includ-
4 ing but not limited to a fee simple life estate future interest lease
5 license easement (including a scenic or conservation easement) restriction
6 or covenant of any sort option or contractual interest or right concern-
7 ing the use of or power to transfer property

8 Section 3 Acquisition of Property Interests The Commonwealth
9 of Pennsylvania through the Department of Forests and Waters or
10 any political subdivision of the Commonwealth now or hereafter em-
11 powered to acquire parks or reservoirs may in the exercise of such
12 power and when they determine that it will be in the public interest
13 acquire property interests by purchase gift eminent domain bequest
14 devise or otherwise for the following purposes (1) to reserve the land
15 as a future park or reservoir site (2) to protect an existing park or
16 reservoir or future park or reservoir site by controlling the use of
17 lands contiguous or near to that park or reservoir site in order to
18 protect the scenic aesthetic or watershed qualities of the site and thereby
19 enhance its value to the public (3) to supply ingress and egress to a

1 park or reservoir facility either presently or hereafter existing (4) to

2 expand any park or reservoir site either presently or hereafter existing

3 Section 4 Eminent Domain Valuation of Property Interests Con-

4 demnation of property interests shall be carried out in the same man-

5 ner that the governmental unit acting as condemnor is now or hereafter

6 may be authorized by law to condemn property for park or reservoir

7 purposes

8 Section 5 Assessment of Property Interests Any property interest

9 held by a governmental unit for park or reservoir purposes shall be

10 exempt from taxation Private owners of lands in which a governmental

11 unit also owns a property interest under this act shall have their land

12 assessed on a basis reflecting the land use restrictions imposed by the

13 governmentally held property interests

14 Section 6 Disposition of Property Interests If a governmental unit

15 holding a property interest or interests for park or reservoir purposes

16 determines that it is no longer desirable to hold the property interest

17 or interests for these purposes it may sell such interest or interests

18 to any other governmental unit or units or to any State Federal or

19 State-Federal agency In the case of the Commonwealth such transfer

20 shall be authorized by the Governor upon the recommendation of the

1 Secretary of Forests and Waters In the case of any political subdivision
2 of the Commonwealth such transfer shall be made by the duly author-
3 ized official or officials thereof All proceeds from the sale of property
4 interests acquired for park or reservoir purposes shall be deposited in
5 the General Fund in the case of the Commonwealth or in the fund com-
6 parable thereto in the case of any other governmental unit

7 Section 7 Severability Inconsistent Laws If any section provision
8 or clause of this act shall be declared invalid or inapplicable to any
9 persons or circumstances such action shall not be construed to affect
10 the rest of the act or circumstances not so affected All laws or portions
11 of laws inconsistent with the policy and provisions of this act are hereby
12 repealed to that extent

13 Section 8 Effective Date This act shall take effect immediately

We certify that this bill has passed the Senate and the House of Representatives.

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Chief Clerk, Senate

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President pro tempore, Senate

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Speaker, House of Representatives

Approved The day of A. D. 1861.

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Governor