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Previous Printer's Nos. 684, 1075, 1198

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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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**SENATE BILL**

No. **598** Session of  
1961

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MESSRS. DISILVESTRO, WEINER, MCGINNIS AND MCCREESH,  
IN PLACE, MAY 2, 1961.

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AS AMENDED ON THIRD READING, AUGUST 21, 1961.

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**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 bequest devise or otherwise conser-  
vation easements for park or reservoir purposes and providing for  
The General Assembly of the Commonwealth of Pennsylvania  
hereby enacts as follows

- 1 Section 1 Definitions For the purposes of this act the following
- 2 definitions shall apply

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

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

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

14 (3) "Governmental unit" The Commonwealth of Pennsylvania  
15 acting through the Department of Forests and Waters or any of the  
16 political subdivisions of the Commonwealth

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

19 Section 2 Acquisition of Conservation Easements The Common-  
20 wealth of Pennsylvania through the Department of Forests and Waters

1 or any political subdivision of the Commonwealth now or hereafter  
2 empowered to acquire parks or reservoirs may in the exercise of such  
3 power and when they determine that it will be in the public interest  
4 acquire conservation easements by purchase gift bequest or devise for the  
5 following purposes (1) to reserve the land as a future park or reservoir  
6 site (2) to protect an existing park or reservoir or future park or reservoir  
7 site by controlling the use of lands contiguous or near to that park or  
8 reservoir site in order to protect the scenic or watershed qualities of the  
9 site and thereby enhance its value to the public (3) to supply ingress and  
10 egress to a park or reservoir facility either presently or hereafter existing  
11 (4) to expand any park or reservoir site either presently or hereafter  
12 existing

13 Section 3 Acquisition of Conservation Easements for Reservoir  
14 Purposes by Eminent Domain The Commonwealth of Pennsylvania  
15 through the Department of Forests and Waters or any political subdi-  
16 vision of the Commonwealth shall have the power to acquire con-  
17 servation easements for future reservoir sites or to protect or expand  
18 reservoir sites now or hereafter existing or to provide ingress and egress  
19 to existing reservoir sites by use of eminent domain in the same manner  
20 that such governmental unit acting as condemnor is now or hereafter

1 may be authorized by law to condemn other property

2 Section 4 Assessment of Conservation Easements Any conserva-  
3 tion easement held by a governmental unit for park or reservoir  
4 purposes shall be exempt from taxation Private owners of lands  
5 in which a governmental unit also owns a conservation easement  
6 under this act shall have their land assessed on a basis reflecting the land  
7 use restrictions imposed by the governmentally held conservation ease-  
8 ments

9 Section 5 Disposition of Conservation Easements If a governmental  
10 unit holding a conservation easement for park or reservoir purposes  
11 determines that it is no longer desirable to hold the conservation  
12 easement for these purposes it shall first offer to sell the same or any  
13 portion thereof to any other governmental unit or units or to any  
14 State Federal or State-Federal agency in the case of a conservation  
15 easement for reservoir purposes which was acquired by eminent domain  
16 If the offer to sell such conservation easement to another governmental  
17 unit or to a State Federal or State-Federal agency is rejected the  
18 governmental unit holding such conservation easement shall then offer  
19 to reconvey the conservation easement to the condemnee or his suc-  
20 cessor in interest at the price paid upon condemnation any such con-

1 servation easement not sold to another governmental unit or to a  
2 State Federal or State-Federal agency or in the case of a conservation  
3 easement for reservoir purposes acquired by eminent domain to the  
4 condemnee or his successor in interest shall be sold at public sale in  
5 the manner provided by law In the case of the Commonwealth any  
6 such transfer shall be authorized by the Governor upon the recom-  
7 mendation of the Secretary of Forests and Waters In the case of any  
8 political subdivision of the Commonwealth any such transfer shall be  
9 made by the duly authorized official or officials thereof All proceeds  
10 from the sale of conservation easements acquired for park or reservoir  
11 purposes shall be deposited in the General Fund in the case of the  
12 Commonwealth or in the fund comparable thereto in the case of any  
13 other governmental unit . . . . .

14 Section 6 Power of Eminent Domain to Continue as Heretofore

15 Nothing herein contained shall be construed as a limitation upon the  
16 power of any governmental unit to acquire land for park purposes by  
17 means of eminent domain as authorized under existing law

18 Section 7 Severability Inconsistent Laws If any section provision

19 or clause of this act shall be declared invalid or inapplicable to any

1 persons or circumstances such action shall not be construed to affect  
2 the rest of the act or circumstances not so affected All laws or portions  
3 of laws inconsistent with the policy and provisions of this act are hereby  
4 repealed to that extent

5 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. 1961.

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Governor