

No. 468

AN ACT

To validate certain municipal assessments, municipal claims, and municipal liens in the several cities of the third class of the Commonwealth of Pennsylvania; providing for filing claims therefor and the proceedings for the collection of assessments and claims.

Section 1. Be it enacted, &c., That whenever heretofore the council of any city of the third class of this Commonwealth, or of any incorporated borough which by annexation, consolidation or otherwise has become a city of the third class or a part thereof, has required, by ordinance, and caused to be graded, paved, curbed, or macadamized with brick, stone, or other suitable material, or otherwise improved, any public street or thoroughfare or part thereof, either cartway or footwalk, or has caused sewers to be constructed therein, or both, pursuant to such ordinance, but owing to some defect in the action of council, notice of publication or other proceeding necessary under existing laws and ordinances to give jurisdiction to such council; or because of noncompliance with existing laws as to publication of copies of ordinance; or because the ordinance itself, or the official record book containing the same, has been lost, mislaid, or destroyed, or has not been transcribed in the official record book; or the time for filing said lien, or making said claim, has expired; or said claim has not been filed after notice to do so; or where any claim has been filed after the expiration provided by law for the filing thereof, or where, for any other reason, the cost of such improvement, or a portion thereof, cannot be legally assessed upon the property bounding or abutting upon the street or part thereof improved, or owing to some defect in the statement of claim filed to secure the lien, or the failure of the city solicitor to file the lien in the court of common pleas, or to sign the same, for the cost of such improvement, payment thereof cannot be enforced as was contemplated by the act or acts of the General Assembly under which the improvement was attempted to be made and statement of claim filed—now by this act such improvements are made valid and binding; and any lien heretofore filed for the cost of such improvement, or any part thereof, although not filed within the time provided for the filing thereof, is hereby made valid and binding, with the same force and effect as though filed within the time heretofore required by law for filing the same; and the council of such city of the third class may cause the property bounding and abutting upon the street or part thereof upon which the improvement has been made or is now being made to be assessed, in case such assessment has not already been made, in the manner now provided by law, with such a portion of the cost of such improvement as is contemplated by the law under which the improvement was made or attempted to be made or is now

Cities of third class.

Proceedings for improvement of streets.

Validation of proceedings and lien.

Assessment or cost.

Lien of
assessment.

being made. Such assessment, or other assessment heretofore legally made, shall be a lien upon the property assessed. The lien shall date from the date of filing of the same and shall remain a lien until fully paid and satisfied: Provided, That a writ of scire facias is issued to revive the same during every period of five years after the lien is filed as heretofore provided.

Time of filing lien.

Section 2. The council of any city of the third class of this Commonwealth, entitled to a lien under this act, shall file a lien therefor in the office of the prothonotary of the county within which the property lies, within six months after the completion of the work, where the improvement is now in progress, or within six months after the approval of this act where the improvement is now completed, and the same shall be entered upon the record as other municipal claims.

Contents of lien.

Such liens shall state the name of the party claimant, which shall be the corporate name of the city of the third class making the improvement; the name of the owner or reputed owner of the property assessed; a reasonable description of the property assessed; the amount or sum claimed to be due, which shall include interest from the completion of the improvement; for what improvement the claim is made; the date of its completion; the date of the assessment from which the lien is filed. Such lien, when so filed, shall be prima facie evidence of all matters therein set forth, and of the right of the city to recover the amount therein claimed to be due, together with interest from date of the lien or completion of the improvement, costs, and attorney's commission of five per centum for collecting.

Lien to be prima
facie evidence.

Procedure for col-
lection.

Section 3. The claim, when so filed, shall be proceeded upon for collection by writ of scire facias: Provided, That this act shall not apply to any proceeding, suit or lien wherein a final order or judgment of any court of record has already been made or entered.

APPROVED—The 12th day of May, A. D. 1927.

JOHN S. FISHER

No. 469

AN ACT

Validating certain proceedings and elections of counties, cities, boroughs, townships, school districts, and other municipalities or incorporated districts, had and held pursuant to the provisions of an act, approved the twentieth day of April, one thousand eight hundred and seventy-four, entitled "An act to regulate the manner of increasing the indebtedness of municipalities, to provide for the redemption of the same, and to impose penalties for the illegal increase thereof," and the amendments and supplements thereto, and validating bonds issued or authorized to be issued in pursuance of such proceedings and elections.

Municipalities.

Section 1. Be it enacted, &c., That all proceedings and elections heretofore had and held by any county, city, borough, township, school district, or other municipality