



Township of Lower Makefield

****** PARKLAND ACQUISITION PROCEDURES ******

Lower Makefield Township follows the Pennsylvania Second Class Township Code and Lower Makefield Township Code § 178-90 regarding the acquisition of parkland.

The [Second Class Township Code](#), Act 69 of 1933 states:

Section 2201. Acquisition of Lands and Buildings.--The board of supervisors may designate lands or buildings owned, leased or controlled by the township for use as parks, playgrounds, playfields, gymnasiums, swimming pools, indoor recreation centers, public parks and other recreation areas and facilities and acquire lands or buildings by lease, gift, devise, purchase or by the exercise of the right of eminent domain for recreational purposes and construct and equip facilities for recreational purposes.

The [Second Class Township Code](#) - Real Property, Personal Property And Letting Contracts Act of Apr. 12, 2012, P.L. 234, No. 30 states:

Section 1503. (e) No real estate may be purchased by a township unless the board of supervisors obtains at least one appraisal on the real property in question by a person authorized to perform an appraisal on the subject property under the act of July 10, 1990 (P.L.404, No.98), known as the "Real Estate Appraisers Certification Act," and the township supervisors may require that an environmental impact statement be prepared, indicating the potential liability of the township for any environmental problems associated with the real estate to be purchased. The person making the appraisal shall not be interested directly or indirectly in any aspect of the sale of the real estate. The price paid by the board of supervisors for the purchase of the real estate shall not exceed the price established by the appraisal: Provided, however, That if more than one appraisal is obtained, the price paid by the board of supervisors shall not exceed the average of the appraisals.

(f) When real property has been dedicated, deeded or devised to a township to be used for a designated purpose and the real property is accepted and used for that purpose, or the real property is not used for the purpose designated for a period of ten years or more, and the township supervisors determine that it is not possible or not desirable for the best interest of the township to use the real property for the purpose designated, the township supervisors, with the prior approval of the court of common pleas, may by ordinance reconvey to the original owners or their successors, heirs or assigns, or otherwise dispose of, the real property free and clear of any public right.

Guidelines for the location and suitability of an acquisition are further identified in Chapter 178 in the Lower Makefield Township Code Book as noted below:

§ 178-90 Criteria for determining location and suitability.

A. The Lower Makefield Township Planning Commission and Park and Recreation Board will advise the Board of Supervisors on land offered for dedication for recreational purposes.

B. The intended use meets the Park and Recreation objectives.

C. Factors to be considered, but not limited to, in determining recreation land locations are:

Effective date: 6/13/2022

- (1) In compliance with Township Subdivision & Land Development and Zoning Ordinances.
- (2) Meets park and recreation objectives.
- (3) Relationship to existing recreation areas.
- (4) Safe access/egress by pedestrian, bicycle and auto traffic via public thoroughfares.

D. The topography, recreational surface for intended use and drainage shall be approved by the Township Engineer.

E. On-site improvements shall be commensurate with adjacent on-site developmental improvements (curbing, utilities, etc.)

F. The location and intended use shall be recorded on the record linen plans.

178-88 Purpose of recreational Land <https://ecode360.com/11225398>,

178-89 Dedication Requirements <https://ecode360.com/11225405>,

178-90 Criteria for determining location and suitability <https://ecode360.com/11225408>

178-91 Ownership/dedication to Township <https://ecode360.com/11225419>

178-92 Fee in lieu of dedication <https://ecode360.com/11225428>

The Township may also require that an environmental impact statement be prepared, indicating the potential liability of the township for any environmental problems associated with the real estate to be purchased.



NO CHANGES
6/23/2023

James R. Majewski, PE, PP, CFM
Community Development Director
Lower Makefield Township
1100 Edgewood Road
Yardley, PA 19067
267-274-1123
jimm@lmt.org