

## **OFFICIAL MAP** **FREQUENTLY ASKED QUESTIONS**

### **1. What is an Official Map?**

Municipalities in Pennsylvania have been granted the power to create Official Maps through the Municipalities Planning Code (MPC) of Pennsylvania to designate areas for both current and future public land and facilities.

### **2. What kind of facilities and land can be placed on the Official Map?**

Municipalities can place on their Official Map, any piece of land or facility that will provide a benefit to the public. The MPC specifically spells out the following as being that for a public purpose or benefit: public streets, watercourses, parks, playgrounds, open space, pedestrian ways and easements, floodways, and floodplains.

### **3. After the facilities and land are designated on the Official Map, what happens next?**

Nothing. The land or facility designated on the Official Map is simply a way of providing the municipality some time to enter into negotiations for the possible acquisition of a property prior to development and prior to such an opportunity to provide for a new road or bike/pedestrian facility is lost. Under the Official Map, the municipality has one year to acquire the necessary facility after receiving notice from the developer/owner of his intentions to develop. If the municipality is not in any kind of position to acquire the property, it can waive its right to it at any time during that one year period. If the municipality does not acquire the property within one year of the notice to develop, the Official Map is considered amended and that specific line or property is no longer designated on the map.

### **4. By designating these public facilities and land on the Official Map, isn't this a taking by the government?**

No. By designating the property on the Official Map, the municipality is saying that in the future that property would be a good location for some type of public use. The Official Map is a planning tool that allows public officials to plan for public facilities in the future. Designation of lands or facilities on the Official Map does not mean the municipality will definitely be purchasing the property. Under the guise of the Official Map a municipality is simply given a chance to put together a plan for acquiring the property, which it could very well decide not to do. This can happen with or without an Official Map in place through eminent domain.

### **5. Why designate lands or facilities on an Official Map?**

As mentioned above, the government can acquire land for public purposes whether or not the municipality has an Official Map. The Official Map allows for public officials to designate public lands and facilities in a comprehensive fashion so that they are laid out in an efficient and logical manner. Typically, many properties designated on the Official Map are undeveloped or underdeveloped giving public officials a chance to acquire that property which will be less expensive and ideally in a logical place to meet the needs of the public.

**6. I just want to put a small addition on my home, do I have to wait a year for the municipality to act upon the Official Map designation on my property?**

No. The intent of the Official Map is not take anyone's home or create onerous regulations on their property. The Official Map is intended to provide a pause in the pace of development so that it may attempt to acquire land when property owners propose a new development. For this reason, the Official Map provides two extra provisions to homeowners: any expansion of a home no greater than 25% in area of the existing structure is exempted from the Official Map, and the Township only has 90 days to potentially acquire a portion of a property where there is an existing single-family home.

**7. The term “taking” and “acquisition” is often used with the Official Map, what does this mean? What is a Taking?**

A “Taking” is a commonly used term for Eminent Domain. Government cannot take anybody's land; however, all levels of government have the ability to acquire land from private individuals provided that through the proper processes established by law; the Township pays the property owner fair market value of the property; and the property is for a public use or benefit such as those facilities shown on the proposed Official Map. The process takes time and the property owner has the ability to dispute any stated value of their property and have a separate assessment done on the property's value. Then a separate body (not the Township) will determine the appropriate market value.

**8. If the Official Map is adopted when would my property be acquired?**

The placement of property on the official Map DOES NOT mean that the Township will be purchasing any property upon the adoption of the Official Map. The intent of the Official Map is to provide the municipality with a limited amount of time to acquire a property, or portion thereof, for the purpose stated on the Official Map prior to the development or redevelopment of the property.

**9. What activities trigger the Official Map?**

The Official Map is triggered only when a property owner provides notice that they will develop their property, which would be considered construction of a permanently affixed structure on their property. A modification to an existing home is exempt if the expansion is no greater than 25% of the area of the existing home.

**10. Only a portion of my property is designated on the proposed Official Map. How will that affect my ability to use my property?**

The Township can not prevent a reasonable return to the owner or make the property useless. Property owners have the ability to apply for a special encroachment permit, which would give them the ability to encroach into an area on their property designated on the Official Map including reduced setbacks from such area.