



Steckbeck Engineering & Surveying, Inc
Civil/Environmental/Municipal Engineers/Land Surveyors

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FROM THE DRAFTING TABLE



SESI Office—Lebanon, PA

Steckbeck Engineering & Surveying, Inc. (SESI) presents the latest edition of our quarterly newsletter, titled “From The Drafting Table.” The purpose of the newsletter is to share services that we can provide and to convey relevant information which may affect our clients as they consider and begin new projects. This can include anything from changing regulations and new design concepts, to our experiences and lessons learned. It is our goal at SESSI to provide our clients with the best service and up-to-date engineering practices that are cost effective solutions for your needs.

“ADVERSE POSSESSION” - What Does it Mean?

Author: Anthony J. Fitzgibbons, Esquire

The term “adverse possession” refers to a means of acquiring ownership to real property without purchasing or otherwise paying for it. In almost every case where ownership is claimed by adverse possession there is a dispute as to who owns the property in question. In most cases, a claim of ownership by adverse possession involves a piece of land on the border between two properties, such as the area between neighbors’ driveways or back yards.

Ownership may be acquired by adverse possession when anyone else with an ownership interest in or claim to the property fails to file a lawsuit to throw out or “eject” the person claiming title by adverse possession within the time permitted by the statute of limitations to do so which, in Pennsylvania, is twenty-one years. In addition to the twenty-one year statute of limitations expiring, there are several things, or elements, that a person claiming ownership of a piece of real property by adverse possession must prove. These elements are sometimes given different names but include all of the following. First, the person claiming ownership by adverse possession must prove that he has “actual possession” of the property in question. The claimant must actually occupy the land; he cannot simply point to a vacant piece of land and claim title to it by adverse possession because it appears that no one else owns or is using it. The claimant must also prove that his possession has been “continuous” for at least twenty-one years; there can be no interruption or break in the twenty-one year period. If there is a break or interruption, then the twenty-one year period starts over. The twenty-one years, however, may include the time that the person whom the claimant acquired his property from possessed the property in question. The technical term for this is “tacking” and it allows the person claiming title by adverse possession to show that he, as well as the person from whom he acquired title, have collectively occupied it for at least twenty-one years.

The claimant must also prove that his possession of the property in question is “open” – meaning that it must be clearly visible to anyone that the person is occupying the property in question. Typically, this is proven by the existence of a fence or other improvements, either temporary (such as a children’s swing set) or permanent (such as a fence or driveway) being placed on the property in question by the claimant or the claimant’s predecessors in title. The claimant must also prove that his possession is “hostile,” meaning that the possession must be without the permission of anyone else who may have an interest in the property. In order to satisfy this requirement, all other parties must be made aware that the claimant is treating the property completely as his and that the claimant has denied that any other person has a claim or rights to the property in question.

Finally, the claimant must prove that his possession is “exclusive,” meaning that the claimant exercises complete control over the property in question by excluding anyone else from using it.





Adverse possession cannot be used to acquire title to unenclosed woodlands or property owned by the Commonwealth or any of its agencies or subdivisions, including counties, townships and water and sewer authorities, as well as public utilities, including railroads, electric, telephone and gas companies.

If the property in question is subject to adverse possession and all of these elements are satisfied, then a petition may be filed in the Court of Common Pleas of the county in which the property is located requesting the court to issue an order declaring the claimant to be the owner of the land in question. If the order is granted, it has the same effect as a deed and, from that point forward, the claimant is now the sole and exclusive owner of the land.



[Municipal Separate Storm Sewer System \(MS4\) Permit Renewals](#)

Reminder to all Municipalities in Urbanized Areas: Your current Municipal Separate Storm Sewer System (MS4) Permits expire on March 16, 2013 and your renewal applications must be submitted by September 14, 2012.

On February 8, 2012 two of Steckbeck Engineering & Surveying, Inc.'s professional engineers attended a workshop led by the Pennsylvania Department of Environmental Protection and the Environmental Protection Agency on "The Right Way to Apply for or Renew Municipal Separate Storm Sewer System (MS4) Permits". If you have any questions regarding the renewal of your MS4 permit, please do not hesitate to contact our office.

[Pennsylvania Department of Community & Economic Development Program News](#)

The Pennsylvania Department of Community & Economic Development (DCED) has recently updated some of their funding programs available to local municipal governments. The new program is called the Municipal Assistance Program (MAP) and it consolidates three prior DCED programs: "SMS" (shared municipal services), "LUPTAP" (planning), and Floodplain management reimbursements. MAP provides funding to assist local governments to efficiently plan for and implement a variety of services and improvements, manage development, and encourage an intergovernmental approach. MAP has two parts, with each being a separate program: MAP shared services and planning; and MAP floodplain management. For fiscal year 2011 to 2012 there are \$676,000 appropriated for the program. Deadline to apply for this years program is February 29, 2012, and applicants must apply via Electronic Single Application (ESA). New applications will be funded from fiscal year 2012 to 2013 after July 1, 2012. You may contact your regional DCED office for funding assistance. Additionally, more information can be obtained by contacting DCED Customer Service at 1-800-379-7448 or ra-dcedcs@state.pa.us.

The following link directs you to specific areas of the MAP program:

MAP home page: <http://www.newpa.com/find-and-apply-for-funding/funding-and-program-finder/municipal-assistance-program>

MAP guidelines: http://www.newpa.com/sites/default/files/MunicipalAssistanceProgram_Guidelines-2012.pdf

MAP Single-Application for Assistance: <http://newpa.com/what-can-pa-do-for-you/single-application>

If you have any questions or would like to learn more about any of the articles in this newsletter, please contact Steckbeck Engineering and Surveying, Inc, so that we can assist you.



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