

No. 2016-58

AN ACT

SB 1232

Authorizing the Department of General Services, with the approval of the Governor, to grant and convey to Moshannon Valley Economic Development Partnership, Inc., certain lands and improvements situate in Rush Township, Centre County.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Conveyance in Rush Township, Centre County.

(a) Authorization.—The Department of General Services, with the approval of the Governor, is hereby authorized on behalf of the Commonwealth of Pennsylvania to grant and convey to Moshannon Valley Economic Development Partnership, Inc., certain land together with any improvements thereon, situate in Rush Township, Centre County, for \$150,000 and under terms and conditions to be established in an agreement of sale.

(b) Property description.—The property to be conveyed pursuant to this section consists of approximately 14.797 acres of land and improvements thereon, bounded and more particularly described as follows:

ALL THAT CERTAIN lot, parcel, tract or piece of land, situate in the Township of Rush, County of Centre and Commonwealth of Pennsylvania, in accordance with Property Plan by H.F. Lenz Company, dated 11/3/14, bounded and described as follows:

BEGINNING at an iron pin with aluminum cap set at the intersection of the northerly line of land of Rebecca Young with the easterly right of way line of Loch Lomond Road (Township Road No. 804);

Thence, along said easterly right of way line, North Twenty-Two degrees Twenty-Three minutes Thirty-One seconds East (N 22°23'31" E), a distance of Nine Hundred Thirty and Sixteen hundredths feet (930.16') to a railroad spike set in pavement on the southerly right of way line of Medical Center Drive (Township Road No. 951);

Thence, along said southerly right of way line, South Sixty-Seven degrees Sixteen minutes Eight seconds East (S 67°16'08" E), a distance of Seven Hundred Eleven and Twenty-Three hundredths feet (711.23') to a railroad spike set in pavement the westerly line of land of Penn State Geisinger Clinic;

Thence, along said westerly line and the westerly line of lands of James Croyle and of Deloris L. Kozak, South Twenty-One degrees Forty-Nine minutes Six seconds West (S 21°49'06" W), a distance of Seven Hundred Seventeen and Ninety hundredths feet (717.90') to an extant concrete monument of the northerly line of land of R. Jean Clinton;

Thence, along said land of R. Jean Clinton, the following Two (2) courses:

(1) North Sixty-Seven degrees Fifty minutes Zero seconds West (N 67°50'00" W), a distance of One Hundred and Four hundredths feet (100.04') to an extant concrete monument and

(2) South Twenty-Two degrees Nine minutes Three seconds West (S 22°09'03" W) and passing through an extant concrete monument, a distance of One Hundred Ninety-Two and Eighty-Two hundredths feet (192.82') to an iron pin with aluminum cap set on the northerly right of way line of Black Moshannon Road (State Road No. 0504)

Thence, along said northerly right of way line, by a non-tangential curve to the left having a radius of Two Hundred Ninety and Forty-Four hundredths feet (290.44'), a chord bearing South Sixty-Four degrees Twenty-Six minutes Ten seconds West (S 64°26'10" W) for a distance of Twenty-Five and Sixty hundredths feet (25.60') and an arc length of Twenty-Five and Sixty-One hundredths feet (25.61') to an iron pin with aluminum cap set on the northerly right of way line of Philipsburg-Osceola Area School District;

Thence, along said northerly line and the northerly line of land of Rebecca Young, North Sixty-Seven degrees Twelve minutes Fifty-One seconds West (N 67°12'51" W), a distance of Six Hundred Two and Five hundredths feet (602.05') to the Point of Beginning.

Encompassing an area of Six Hundred Forty-Four Thousand Five Hundred Seventy-One square feet (644,571 sq. ft.) or Fourteen and Seven Hundred Ninety-Seven thousandths acres (14.797 ac.)

Being comprised of lands acquired by the Commonwealth of Pennsylvania by the following Five (5) deeds:

(1) deed of Frederick and Bertha S. Smith dated April 29, 1889 and recorded in Centre County Deed Book Volume 60 on Page 104 on February 8, 1890,

(2) deed of Frederick and Bertha S. Smith dated August 6, 1923 and recorded in Centre County Deed Book Volume 129 on Page 622 on August 14, 1923,

(3) Deed of Austin Chalmer and Henrietta Briel Lynn dated June 8, 1949 and recorded in Centre County Deed Book Volume 205 on Page 384 on June 11, 1949,

(4) deed of Samuel L. Barr, William H. Lynn and Michael Maines, Executors of the last will and testament of Austin C. Lynn dated February 1954 and recorded in Centre County Deed Book Volume 222 on Page 369 on March 12, 1954 and

(5) Parcels 5, 6, 7, 8 and 9 of the deed of the General State Authority dated June 16, 1989 and recorded in Centre County Deed Book Volume 533 on Page 121 on July 3, 1990.

BEING Tax Parcel No. 5-26A-111

(c) Requirement for conveyance.—The conveyance shall be made under and subject to all lawful and enforceable easements, servitudes and rights of others, including, but not confined to, streets, roadways and rights of any telephone, telegraph, water, electric, gas or pipeline companies, as well as under and subject to any lawful and enforceable estates or tenancies vested in third persons appearing of record, for any portion of the land or improvements erected thereon.

(d) Condition.—The conveyance authorized under this section shall be made under and subject to the condition, which shall be contained in the deed of conveyance, that no portion of the property conveyed shall be used as a licensed facility, as defined in 4 Pa.C.S. § 1103 (relating to definitions),

or any other similar type of facility authorized under State law. The condition shall be a covenant running with the land and shall be binding upon the grantee, its successors and assigns. Should the grantee, its successors or assigns, permit any portion of the property authorized to be conveyed in this act to be used in violation of this subsection, the title shall immediately revert to and revest in the grantor.

(e) Deed.—The deed of conveyance shall be by special warranty deed and shall be executed by the Secretary of General Services in the name of the Commonwealth of Pennsylvania.

(f) Costs and fees.—Costs and fees incidental to this conveyance shall be borne by the grantee.

(g) Alternative disposition.—In the event that an agreement of sale is not executed between the Department of General Services and the grantee within one year of the effective date of this section, the property may be disposed of in accordance with section 2405-A of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929.

Section 2. Effective date.

This act shall take effect immediately.

APPROVED—The 23rd day of June, A.D. 2016

TOM WOLF