

No. 175

AN ACT

SB 831

Authorizing and directing the Department of General Services, or such department and The General State Authority, to convey to Philadelphia or transfer jurisdiction within the State government of certain tracts of Commonwealth real property acquired under the act of September 29, 1938 (Sp. Sess., P.L.53, No.21), entitled, as amended, "An act relating to institutions of counties, cities, wards, boroughs, townships, institution districts and other political subdivisions, for the care, maintenance, and treatment of mental patients; providing for the transfer to the Commonwealth for the care, maintenance and treatment of mental patients of such institutions, and all grounds, lands, buildings and personal property of such political subdivisions used for the care and maintenance of indigent persons connected with such mental institutions; providing for the management and operation or closing and abandonment thereof; and the maintenance of mental patients therein; including the collection of maintenance in certain cases; providing for the retransfer of certain property to counties, cities, wards, boroughs, townships, institution districts and other political subdivisions under certain circumstances; conferring and imposing upon the Governor, the Department of Welfare, the courts of common pleas and counties, cities, wards, boroughs, townships, institution districts and other political subdivisions certain powers and duties; prohibiting cities, counties, wards, boroughs, townships, institution districts and other political subdivisions from maintaining and operating institutions, in whole or in part, for the care and treatment of mental patients; and repealing inconsistent laws," imposing powers and duties on the Department of Environmental Resources in connection with one such tract, and providing for use of land conveyed to the City of Philadelphia.

WHEREAS, The site of Byberry State Hospital in northeast Philadelphia was acquired around 1900 by the City of Philadelphia and a mental hospital was erected and operated there; and

WHEREAS, The act of September 29, 1938 (P.L.53, No.21) transferred the real estate and personal property used for the care, maintenance and treatment of mental patients from the City of Philadelphia to the Commonwealth of Pennsylvania. This act contained a reversion of title to the City of Philadelphia in the event the property was not substantially improved and abandoned by the Commonwealth. No consideration was paid to the city for this property; and

WHEREAS, The area of land actually transferred to the Commonwealth of Pennsylvania was much greater than the area of actual improvement of the property; and

WHEREAS, The Commonwealth of Pennsylvania has announced its intention through the public media to cease using all the facilities at Byberry State Hospital for care, maintenance or treatment of mental illness; and

WHEREAS, The Commonwealth desires to return or reallocate finally the land no longer used for care, maintenance or treatment of mental illness; wherefore

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

Section 1. The Department of General Services, or such department and The General State Authority when indicated, with the approval of the Governor and the Department of Public Welfare or other indicated department, is or are, as the case may be, hereby authorized and directed on behalf of the Commonwealth of Pennsylvania to transfer the control and jurisdiction over or to convey the following tracts and parcels of land situated in the City of Philadelphia, Commonwealth of Pennsylvania, to the indicated transferees or guarantees, such land being bounded and described as follows:

Tract A

Transferee:

Department of Environmental Resources

Parcel No. 1

Beginning at the intersection of the northwesterly side of Roosevelt Boulevard and the southwesterly side of Southampton Road; thence extending in a southwestwardly direction along the northwesterly side of Roosevelt Boulevard approximately 1,030 feet; thence in a northwestwardly direction on a line perpendicular to Roosevelt Boulevard approximately 1,100 feet to Berks Drive; thence northeastwardly along Berks Drive to Carbon Drive approximately 580 feet; thence southeastwardly along Carbon Drive to south Philadelphia Drive approximately 520 feet; thence northeastwardly along south Philadelphia Drive approximately 450 feet to a point on the southwesterly side of Southampton Road; thence in a southeastwardly direction along the said side of Southampton Road approximately 550 feet to the point and place of beginning, containing in area 23.97 acres of land, more or less, in the 58th Ward of the City of Philadelphia.

Parcel No. 2

Beginning at the intersection of the northwesterly side of Roosevelt Boulevard and the northeasterly side of Southampton Road; thence northwestwardly along the northeasterly side of Southampton Road 200 feet to a point; thence in a northeastwardly direction on a line parallel to Roosevelt Boulevard approximately 2,700 feet to the Philadelphia-Bucks County line; thence in a southeastwardly direction along the said county line approximately 250 feet to the northwesterly side of Roosevelt Boulevard; thence in a southwestwardly direction along the said side of Roosevelt Boulevard approximately 2,950 feet to the point and place of beginning, containing in area 12.6 acres of land, more or less, in the 58th Ward of the City of Philadelphia.

The Department of Environmental Resources shall permit the

Department of Public Welfare to erect appropriate signs within Tract A, Parcel No. 2 identifying the Philadelphia State Hospital.

Parcel No. 3

Beginning at the intersection of the southeasterly side of Roosevelt Boulevard and the northeasterly side of Southampton Road; thence extending in a northeastwardly direction along Roosevelt Boulevard approximately 2,900 feet to the Philadelphia-Bucks County Line; thence extending along the Philadelphia-Bucks County Line in a northeastwardly and southeastwardly direction approximately 5,650 feet to Townsend Road; thence extending along Townsend Road in a southwestwardly direction approximately 1,650 feet to the intersection of Townsend Road with Burling Road; thence extending in a southwestwardly direction on a line parallel to Roosevelt Boulevard approximately 2,350 feet to Greene Drive; thence extending northwestwardly and southwestwardly along Greene Drive to Monroe Drive approximately 310 feet; thence extending southwestwardly and northwestwardly along Monroe Drive approximately 900 feet to Jefferson Drive; thence extending southwestwardly along Jefferson Drive approximately 850 feet to Bucks Drive; thence extending northwestwardly along Bucks Drive approximately 1,130 feet to Lawrence Drive; thence extending southwestwardly along Lawrence Drive approximately 950 feet to Southampton Road; thence extending in a northwestwardly direction along Southampton Road approximately 700 feet to the point and place of beginning containing in area 238.3 acres of land, more or less, in the 66th Ward of the City of Philadelphia.

Upon acquiring the property aforesaid, the Department of Environmental Resources shall have full control, management and supervision thereof, and shall as soon as funds are made available to the department for this purpose, improve and maintain the property as a State Park to be known as the Benjamin Rush State Park. The Department of Environmental Resources shall make Tract A, Parcel No. 1 available as a site for reconstruction of the Benjamin Rush House and shall in conjunction with the Bicentennial celebration, cooperate in all reasonable ways with the Pennsylvania Bicentennial Commission, the Benjamin Rush House Committee as well as any other Federal, State or local governmental agency or any public or private organization interested in the Bicentennial celebration.

The Department of Environmental Resources shall permit the Department of Public Welfare the continued use and occupancy, as a physicians' residence, of the premises and buildings located within the area bounded by Lancaster Circle, Bucks Drive and Lawrence Drive until such time as replacement facilities are provided by the Department of Public Welfare. During the period of use and occupancy of said premises by the Department of Public Welfare it shall be the

responsibility of the Department of Public Welfare to continue to provide said premises with utility and other services as heretofore provided.

#### Tract B

Transferee: Department of Military Affairs

Beginning at an interior point located by the following two directions and distances from the intersection of the southeasterly side of Roosevelt Boulevard and the southwesterly side of Southampton Road: (1) along the said side of Roosevelt Boulevard in a southwestwardly direction approximately 1,317 feet; (2) on a line perpendicular to Roosevelt Boulevard in a southeastwardly direction 90 feet; thence extending in a southwestwardly direction on a line parallel to Roosevelt Boulevard 1,000 feet; thence in a southeastwardly direction on a line perpendicular to Roosevelt Boulevard approximately 570 feet; thence in a northeastwardly direction on a line parallel to Roosevelt Boulevard approximately 450 feet; thence on a line curving to the right with a radius of approximately 800 feet, the arc distance of approximately 560 feet; thence in a northeastwardly direction on a line perpendicular to Southampton Road 50 feet; thence in a northwestwardly direction on a line perpendicular to Roosevelt Boulevard approximately 877 feet to the point and place of beginning, containing in area 14.2 acres of land, more or less.

#### Tract C

Grantee: City of Philadelphia

##### Parcel No. 1

Beginning at the intersection of the southwesterly side of Southampton Road and the southeasterly side of the right-of-way of the New York Short Line Reading Railroad; thence in a southwestwardly direction along the said right-of-way of the New York Short Line Reading Railroad approximately 600 feet; thence in a southeastwardly direction on a line perpendicular to the right-of-way of the New York Short Line Reading Railroad approximately 1,270 feet; thence northeastwardly on a line parallel to the right-of-way of the New York Short Line Reading Railroad approximately 600 feet to a point on the southeasterly side of Southampton Road; thence in a northwestwardly direction on said side of Southampton Road approximately 1,300 feet to the point and place of beginning containing in area 17 acres of land, more or less, in the 58th Ward of the City of Philadelphia.

##### Parcel No. 2

Beginning at a point on the northwesterly side of Roosevelt Boulevard 1,030 feet southwest of the intersection of the northwesterly side of Roosevelt Boulevard and the southwesterly side of Southampton Road; thence in a northwestwardly direction on a line perpendicular to

Roosevelt Boulevard approximately 1,350 feet to the southwesterly side of the railroad siding; thence extending in a southwestwardly and northwestwardly direction along the said railroad siding approximately 2,500 feet to the southeasterly right-of-way of the New York Short Line Reading Railroad; thence extending southwestwardly along the said right-of-way approximately 1,300 feet to the intersection of the right-of-way of the New York Short Line Reading Railroad and Hornig Road; thence in a southeastwardly direction along the northeasterly side of Hornig Road approximately 2,100 feet; thence northeastwardly on a line which is an extension of the southeasterly edge of Hornig Road approximately 90 feet; thence in a southeastwardly direction approximately 1,240 feet to a point on the right-of-way of Woodhaven Road; thence in a northeastwardly direction on a line curving to the left to the intersection of Roosevelt Boulevard and Woodhaven Road; thence northeastwardly along the said side of Roosevelt Boulevard approximately 1,250 feet to the point and place of beginning, containing in area 104.4 acres of land, more or less, in the 58th Ward of the City of Philadelphia.

As a condition precedent to the conveyance of Tract C, Parcel No. 2 as aforesaid to the City of Philadelphia, the City of Philadelphia shall, any provisions of the Philadelphia Home Rule Charter to the contrary notwithstanding, enter into leases, as lessor, with the religious organizations presently occupying and operating the hereinafter described premises, as lessees, wherein and whereby, for the consideration of \$1 per annum, the said lessor leases unto the said lessees the premises and buildings designated by the Department of Public Welfare as S-6, S-7, and S-8, together with all improvements situate thereon.

The initial term of the leases shall be for a period of five years and thereafter from year to year until such time as appropriate replacement facilities are provided by the Department of Public Welfare. During the term of the leases it shall be the responsibility of the Department of Public Welfare to continue to provide said premises with utility and other services as heretofore provided.

#### Parcel No. 3

Beginning at the intersection of the northeasterly side of Southampton Road and Lawrence Drive; thence northeastwardly along Lawrence Drive approximately 950 feet to Bucks Drive; thence extending southeastwardly along Bucks Drive approximately 1,130 feet to Jefferson Drive; thence northeastwardly along Jefferson Drive approximately 850 feet to Monroe Drive; thence extending southeastwardly and northeastwardly along Monroe Drive approximately 900 feet to Greene Drive; thence northeastwardly and southeastwardly along Greene Drive approximately 300 feet; thence northeastwardly along a line parallel to Roosevelt Boulevard 2,350 feet

to the intersection of the southwesterly side of Townsend Road and the southeasterly side of Burling Road; thence in a southeastwardly and southwestwardly direction along the said side of Townsend Road approximately 6,200 feet to a point on the southwesterly side of Byberry Road; thence in a southeastwardly direction along the said side of Byberry Road approximately 400 feet to the intersection of the southwesterly side of Byberry Road and the northwesterly side of Thornton Road; thence in a southwestwardly direction along the said side of Thornton Road approximately 1,600 feet to the intersection of the northwesterly side of Thornton Road and the northeasterly side of Woodhaven Road; thence in a northwestwardly direction along the said side of Woodhaven Road approximately 1,100 feet to a point; thence in a northeastwardly direction on a line perpendicular to Woodhaven Road approximately 1,700 feet to the southwesterly side of Byberry Road; thence in a northwestwardly and southwestwardly direction along the said side of Byberry Road and former Byberry Road approximately 3,000 feet to a point on the northeasterly side of Woodhaven Road; thence in a northwestwardly direction along the said northeasterly side of Woodhaven Road approximately 1,600 feet to the southeasterly side of Roosevelt Boulevard; thence in a northeastwardly direction along the said side of Roosevelt Boulevard approximately 1,200 feet to a point; thence in a southeastwardly direction on a line perpendicular to Roosevelt Boulevard 90 feet; thence in a southwestwardly direction on a line parallel to Roosevelt Boulevard 1,000 feet; thence in a southeastwardly direction on a line perpendicular to Roosevelt Boulevard approximately 570 feet; thence in a northeastwardly direction on a line parallel to Roosevelt Boulevard 450 feet; thence on a line curving to the right with the approximate radius of 800 feet, the arc distance of approximately 560 feet; thence in a northeastwardly direction approximately 625 feet to the southwesterly side of Southampton Road; thence in a northwestwardly direction along the said side of Southampton Road approximately 900 feet; thence in a northeastwardly direction crossing the bed of Southampton Road to the point and place of beginning, containing in area 285.7 acres of land, more or less, in the 66th Ward of the City of Philadelphia: Provided, That, the building designated as E-8 by the Department of Public Welfare and as much of the land, as may be necessary and agreed to by the Department of Public Welfare and the City of Philadelphia, within the area bounded by Bucks Drive, Jefferson Drive, Monroe Drive and Indiana Drive, shall not be conveyed to the City of Philadelphia if, and so long as, the Department of Public Welfare shall itself or through a contractor or lessee use and operate the aforesaid building and land as a sheltered workshop. If the Department of Public Welfare or its contractor or lessee does not or ceases to use and operate said building and land for the aforesaid purpose, said building and land shall be conveyed to the City of Philadelphia pursuant to this act.

As an express condition precedent to the conveyance of Tract C, Parcel No. 3 as aforesaid to the City of Philadelphia, the City of Philadelphia shall, any provisions of the Philadelphia Home Rule Charter to the contrary notwithstanding, enter into a perpetual lease, as lessor, with the Pennsylvania Department of Transportation and its successors, as lessee, wherein and whereby, for the consideration of \$1 per annum the said lessor leases unto the said lessee the following premises, together with all of the buildings and improvements situate thereon:

Beginning at the intersection of the northwesterly side of Indiana Drive (not on the City Plan) and the northeasterly side of Old Southampton Road (not on the City Plan); thence extending along the said northeasterly side of Old Southampton Road north 42 degrees 16 minutes 0 seconds west, 350 feet; thence north 47 degrees 44 minutes 0 seconds east, 490 feet; thence south 42 degrees 16 minutes 0 seconds east, 350 feet to the northwesterly side of Indiana Drive; thence south 47 degrees 44 minutes 0 seconds west, 490 feet to the place of beginning, a tract of approximately 4 acres.

A condition of such lease shall be that the Department of Transportation shall use the leased premises for the Bureau of Traffic Safety functions similar to its existing use, or such other uses as agreed upon by lessee and lessor. In event of failure of that use or agreement upon alternate use, the lease shall terminate and the City of Philadelphia may do as it pleases with ground and buildings with no financial responsibility to the Pennsylvania Department of Transportation for any leasehold improvements that may have been made. All other terms and conditions of the said lease shall be reasonable under the circumstances.

#### Tract D

Grantor: Department of General Services  
and The General State Authority  
Grantee: City of Philadelphia  
Approval: Adjutant General

Beginning at the intersection of the southeasterly side of Roosevelt Boulevard and the southwesterly side of Southampton Road; thence extending in a southwestwardly direction along the said side of Roosevelt Boulevard 1,317 feet 7 ¼ inches; thence in a southeastwardly direction on a line perpendicular to Roosevelt Boulevard 90 feet; thence in a northeastwardly direction on a line parallel to Roosevelt Boulevard approximately 1,320 feet to the southwesterly side of Southampton Road; thence in a northwestwardly direction along the southwesterly side of Southampton Road approximately 90 feet to the point and place of beginning, containing in area 2.6 acres of land, more or less, in the 66th Ward of the City of Philadelphia.

As a condition to the conveyance, the City of Philadelphia shall reimburse The General State Authority for all costs, including, but not limited to additional architectural engineering and construction costs, incurred by said authority in relocating and replacing improvements made by said authority to the tract conveyed herein to the City of Philadelphia.

The above described tracts and parcels of land being a part of the same land vested in the Commonwealth of Pennsylvania by the act of September 29, 1938 (Sp. Sess., P.L.53, No.21). Tract D was transferred to the use of the Department of Military Affairs by the act of January 26, 1966 (1965 P.L.1610, No.569), and the act of December 10, 1969 (P.L.360, No.157).

The above transfers and conveyances shall be made under and subject, nevertheless, to all 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, nevertheless, to any estate or tenancies vested in third persons, whether or not appearing of record, for any portion of the said land or improvements erected thereon.

Section 2. *The deeds of transfer or conveyance shall be approved by the Department of Justice, and shall be executed and acknowledged by the Secretary of General Services in the name of the Commonwealth of Pennsylvania.*

Section 3. *The tracts and parcels of land herein described, and the jurisdiction and control over the same herein authorized to be transferred shall be transferred free and clear of any limitations or rights of reversion more particularly set forth in section 1, act of September 29, 1938 (Sp. Sess., P.L.53, No.21), entitled, as amended, "An act relating to institutions of counties, cities, wards, boroughs, townships, institution districts and other political subdivisions, for the care, maintenance, and treatment of mental patients; providing for the transfer to the Commonwealth for the care, maintenance and treatment of mental patients of such institutions, and all grounds, lands, buildings and personal property of such political subdivisions used for the care and maintenance of indigent persons connected with such mental institutions; providing for the management and operation or closing and abandonment thereof; and the maintenance of mental patients therein; including the collection of maintenance in certain cases; providing for the retransfer of certain property to counties, cities, wards, boroughs, townships, institution districts and other political subdivisions under certain circumstances; conferring and imposing upon the Governor, the Department of Welfare, the courts of common pleas and counties, cities, wards, boroughs, townships, institution districts and other political subdivisions certain powers and duties; prohibiting cities, counties, wards, boroughs, townships, institution*

districts and other political subdivisions from maintaining and operating institutions, in whole or in part, for the care and treatment of mental patients; and repealing inconsistent laws.”

Section 4. Of the land conveyed to the City of Philadelphia, a tract of not less than 75 acres nor more than 100 acres, the location of which shall be determined by the City of Philadelphia, shall be set aside for use as the site for a United States Veterans' Administration Hospital but if final commitments therefor are not made within three years from the effective date of this act, the land shall be used as other lands conveyed to the City of Philadelphia by this act.

Section 5. No land conveyed to the City of Philadelphia by this act shall be used by it for any purpose other than as provided as to the perpetual lease to the Pennsylvania Department of Transportation from the City of Philadelphia in connection with the conveyance of Tract C, Parcels Nos. 1, 2 and 3 or as provided in section 4, until the city has adopted a comprehensive plan for the use of all of such land.

Section 6. In the event The General State Authority has title to or any other equity or interest in any specified area of land or improvements thereto herein authorized to be conveyed, which title, equity or interest has been pledged to collateralize outstanding indebtedness of said authority, conveyance of such land and improvements thereto shall be deferred and such title, equity or interest therein shall remain with The General State Authority or its successor agency until such time as all indebtedness, other than general obligation indebtedness, outstanding with respect to such land and improvements thereto has been fully paid: Provided, That upon full payment of the aforesaid outstanding indebtedness, all title, equity or other interest of The General State Authority or its successor in the aforesaid land and improvements thereon shall terminate and said land and improvements thereon shall be conveyed in accordance with this act: And provided further, That after the effective date of this act, no additional indebtedness shall be incurred by The General State Authority or its successor agency, with respect to the aforesaid land or improvements thereto, the effect of which would be to extend the period of duration of the title, equity or interest of The General State Authority or its successor agency in such land: And provided further, That after conveyance of the aforesaid land and improvements thereon, the Commonwealth of Pennsylvania shall have the right to lease said land and improvements thereon and if within one year after the conveyance such right is exercised, the City of Philadelphia shall lease said land and improvements thereon to the Commonwealth for a reasonable rental, which rental shall take into consideration any undepreciated cost of improvements which the Commonwealth of Pennsylvania may have made in such land and improvements thereon, and under such other terms and condition agreeable to both parties.

Following the conveyance of the aforesaid land and improvements thereon in accordance with this section, if there remains outstanding any general obligation indebtedness incurred by the Commonwealth with respect to such land and improvements thereon, said indebtedness shall remain the obligation of the Commonwealth.

Section 7. This act shall take effect immediately upon the enactment of an ordinance by the governing body of the City of Philadelphia relinquishing all interest, present and future, in the land herein described in section 1, Tract A and Tract B, and in the land, the jurisdiction and control over which was transferred to the Department of Military Affairs by the act of January 26, 1966 (1965 P.L.1610, No.569), entitled "An act authorizing the Department of Property and Supplies, with the approval of the Governor, to transfer and convey to the Department of Military Affairs 17.6885 acres, more or less, of land situate in the fifty-eighth ward of the City of Philadelphia, Pennsylvania," and the act of December 10, 1969 (P.L.360, No.157), entitled "An act authorizing the Department of Property and Supplies to transfer the jurisdiction and control over 7.852 acres of land situate in the 58th Ward of the City of Philadelphia, Pennsylvania, to the Department of Military Affairs with the approval of the Secretary of Public Welfare and the Governor," except for that portion of such land herein described in section 1, Tract D, which land is to be granted to the City of Philadelphia.

APPROVED—The 22nd day of December, A. D. 1975.

MILTON J. SHAPP

