

## No. 1994-104

## AN ACT

## SB 601

Amending the act of April 15, 1976 (P.L.116, No.51), entitled "An act authorizing and directing the Department of General Services, with the approval of the Department of Public Welfare and the Governor to convey to the Township of Newton 7.091 acres of land, more or less, situate in the Township of Newton, Lackawanna County, Commonwealth of Pennsylvania," authorizing conveyance of the property to the Abington Heights School District; authorizing and directing the Department of General Services, with the approval of the Secretary of Public Welfare and the Governor, to convey to The Association for Independent Growth, Inc., a tract of land situate in the City of Philadelphia, Philadelphia County; authorizing the conveyance of a permanent right-of-way over certain State land to the Middletown Fire Company No. 1, Delaware County, Pennsylvania; authorizing and directing the Department of General Services, with the approval of the Governor and the Department of Corrections, to convey a tract of land in Mount Joy Township, Lancaster County; authorizing and directing the Department of General Services, with the approval of the Governor, to convey to East Pikeland Township a tract of land situate in East Pikeland Township, Chester County, Pennsylvania; authorizing the Department of General Services, with the approval of the Governor and the Secretary of Environmental Resources, to sell and convey to Mr. and Mrs. Harold Harris certain land situate in the Borough of South Philipsburg, Township of Rush, Centre County; authorizing and directing the Department of General Services, with the approval of the Governor, to convey to Glade Township Volunteer Fire Department, Inc., a tract of land situate in Glade Township, Warren County; authorizing and directing the Department of General Services, with the approval of the Governor, to convey to the Borough of Somerset two tracts of land, and the water tanks thereon, situate in Somerset Township, Somerset County, Pennsylvania; and authorizing the Department of General Services, with the approval of the Governor, to convey a tract of land situate in Frenchcreek Township, Venango County.

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

Section 1. Section 2 of the act of April 15, 1976 (P.L.116, No.51), entitled "An act authorizing and directing the Department of General Services, with the approval of the Department of Public Welfare and the Governor to convey to the Township of Newton 7.091 acres of land, more or less, situate in the Township of Newton, Lackawanna County, Commonwealth of Pennsylvania," is amended to read:

Section 2. (a) The deed of conveyance shall contain a clause that the lands conveyed shall be used exclusively for public purposes or general government purposes by the Township of Newton and if at any time the said Township of Newton or its successor in function conveys said property or authorizes or permits said property to be used for any purpose other than public purposes or general government purposes, the title thereto shall immediately revert to and revest in the Commonwealth of Pennsylvania.

***(b) Notwithstanding subsection (a), the Township of Newton may convey the property described in this act to the Abington Heights School District. The deed of conveyance shall contain a clause that the lands conveyed shall be used exclusively for public purposes by the Abington Heights School District, and, if at any time the Abington Heights School District or its successor in function conveys said property or authorizes or permits said property to be used for any purpose other than public purposes, the title thereto shall immediately revert to and revest in the Commonwealth of Pennsylvania.***

Section 2. (a) The Department of General Services, with the approval of the Secretary of Public Welfare and the Governor, is hereby authorized and directed on behalf of the Commonwealth to grant and convey to The Association for Independent Growth, Inc., for a consideration of \$1, the following improved tract of land situate in the City of Philadelphia, Philadelphia County, bounded and described as follows:

All that certain lot or piece of ground with the buildings and improvements thereon erected described according to a survey and plan thereof made by William K. Carlile, Esq., Survey and Regulator of the 7th District, on January 20, 1916 as follows:

Situate on the west side of Broad Street, as widened to 113 feet, and the north side of Poplar Street, as widened to 60 feet, in the 47th Ward of the City of Philadelphia.

Containing in front or breadth on Broad Street 65 feet and extending that width in length or depth westward along Poplar Street 160 feet to a 40-foot wide street called Carlisle Street.

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

(c) The deed of conveyance shall contain a clause providing that any income or proceeds derived from the lease or sale of the building situated on the tract of land described in subsection (a) shall be utilized for the expansion and/or enhancement of the Community Mental Retardation Services. The proposed utilization of funds shall be determined by the Regional Program Manager of the Department of Public Welfare, Office of Mental Retardation and the Philadelphia County Mental Retardation Administrator. The Secretary of Public Welfare shall give written approval of the planned expenditures. The deed shall also contain a clause requiring the grantee to remove or abate any asbestos which may exist in the building situated on the tract of land described in subsection (a). The deed shall also contain a restrictive use clause which prohibits the grantee or any successor in title from using the property conveyed in subsection (a) as a homeless shelter and which provides

for the property to revert to the Commonwealth upon failure of the grantee or any successor in title to comply with the restrictive use clause.

(d) The deed of conveyance shall be approved as provided by law and shall be executed by the Secretary of General Services in the name of the Commonwealth.

(e) Costs and fees incidental to the conveyance shall be borne by the grantee.

Section 3. (a) The Department of General Services, with the approval of the Governor and the Department of Transportation, is hereby authorized and directed on behalf of the Commonwealth of Pennsylvania to grant and convey to the Middletown Fire Company No. 1, for a consideration of \$1, a permanent right-of-way for vehicular access and utility facilities on and over a parcel of land situate in Middletown Township, Delaware County, Pennsylvania, being bounded and described as follows:

All that certain strip of land thereto situate in Middletown Township, Delaware County, Commonwealth of Pennsylvania, being bounded and described as follows, to wit:

Beginning at a point in the title line of Middletown Road (40 feet wide), said point being the northeasterly corner of land now or late of James E. and Jean A. Murphy; thence south 52 degrees 30 minutes west 489.27 feet to a point; thence north 37 degrees 30 minutes west 40 feet to a point; thence north 52 degrees 30 minutes east 531.15 feet to a point in the title line of Middletown Road; thence in and along the title line of Middletown Road south 08 degrees 49 minutes west 57.94 feet to the first-mentioned point and place of beginning.

Containing 0.47 acres of land more or less.

Excepting and reserving therefrom the right-of-way of Middletown Road.

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

(c) The deed of conveyance shall contain a clause that the lands conveyed shall be used for volunteer fire company purposes by Middletown Fire Company No. 1, and, if at any time the volunteer fire company or its successor in function conveys said property or permits said property to be used for any purpose other than those aforementioned, the title thereto shall immediately revert to and revest in the Commonwealth of Pennsylvania.

(d) The proceeds of this sale shall be paid into the State Treasury.

(e) The deed of conveyance shall be approved as provided by law and shall be executed by the Secretary of General Services in the name of the Commonwealth of Pennsylvania.

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

Section 4. (a) The Department of General Services, with the approval of the Governor and the Department of Corrections, is hereby authorized and directed on behalf of the Commonwealth of Pennsylvania to grant and convey, for a consideration equal to fair market value, to George W. Walborn, Jr., and Nancy B. Walborn the following described tract of land in the Township of Mount Joy, Lancaster County, Pennsylvania:

All that certain unimproved tract of land being situate in the Township of Mount Joy, County of Lancaster, and the Commonwealth of Pennsylvania, said tract being more particularly shown as Lot No. 7 on a final plan prepared for Robert E. Stanley and George W. and Nancy B. Walborn on September 4, 1985, said final plan being recorded in the office of the Recorder of Deeds for Lancaster County, Pennsylvania, in Subdivision Plan Book J-145, Page 106, on December 5, 1985, and all the same being more fully bounded and described as follows, to wit:

Beginning at a point in the center line of Township Road No. 310 (Cassell Road), said point being located a distance of 240 feet, more or less, north of the center line of Pennsylvania Traffic Route 230, and said point also being a corner of property of Robert E. Teufel; thence continuing along said property of Robert E. Teufel south 83 degrees 22 minutes 06 seconds west a distance of 207.49 feet to a limestone, a corner of property of George W. Walborn; thence continuing along said property of George W. Walborn north 11 degrees 41 minutes 09 seconds west a distance of 207.34 feet to an iron pin, a corner of Lot No. 3 as shown on the above-described final plan; thence continuing along said Lot No. 3 north 52 degrees 25 minutes 39 seconds west a distance of 82.78 feet to a nail in the aforementioned center line of Township Road No. 310 (Cassell Road); thence continuing along the said center line of Township Road No. 310 (Cassell Road) the following two courses: (1) south 45 degrees 19 minutes 21 seconds east a distance of 190 feet to a point, and (2) south 26 degrees 16 minutes 41 seconds east a distance of 107.03 feet to a point, the place of beginning.

Containing an area of 36,880.71 square feet or .847 acre of land which includes the right-of-way area of Township Road No. 310 (Cassell Road).

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

(c) The deed of conveyance shall be approved as provided by law and shall be executed by the Secretary of General Services in the name of the Commonwealth of Pennsylvania.

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

Section 5. (a) The Department of General Services, with the approval of the Governor, is hereby authorized and directed on behalf of the

Commonwealth of Pennsylvania to sell and convey to East Pikeland Township the following tract of land situate in East Pikeland Township, Chester County, Pennsylvania, for a consideration of \$1, the following:

Beginning at an iron pin on the northwesterly side of Rapps Dam Road (S.R.1049) (33 feet wide), a corner of lands of the National Guard Armory; thence along lands of said armory and the southerly side of a 20-foot wide right-of-way the five following courses and distances:

(1) north 39 degrees 37 minutes west 191.90 feet to an iron pin;

(2) north 56 degrees 10 minutes west 122.94 feet to an iron pin;

(3) north 66 degrees 26 minutes west 87.41 feet to an iron pin;

(4) north 81 degrees 10 minutes west 86.46 feet to an iron pin;

(5) south 71 degrees 38 minutes west 78.42 feet to an iron pin, a corner of lands of the Borough of Phoenixville; thence along lands of the Borough of Phoenixville and crossing said 20-foot wide right-of-way and French Creek, north 27 degrees 16 minutes east 613.66 feet to a spike in the bed of Camp Council Road (T-471) (41.5 feet wide); thence along the bed of Camp Council Road the two following courses and distances:

(1) south 61 degrees east 235.13 feet to a spike;

(2) south 55 degrees 13 minutes east 453.75 feet to a spike in the bed of Rapps Dam Road; thence along the bed of Rapps Dam Road south 41 degrees west 205.92 feet to a p.k. nail in the deck of a covered bridge over French Creek; thence along French Creek south 38 degrees 23 minutes east 122.71 feet to a point in French Creek, a corner of lands of East Pikeland Township; thence along lands of East Pikeland Township south 41 degrees west 480.13 feet to an iron pin in the bed of Rapps Dam Road; thence along the bed of Rapps Dam Road north 06 degrees west 202.64 feet to an iron pin, the first-mentioned point and place of beginning.

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

(c) The deed of conveyance shall contain a clause that the property conveyed shall be used for historic preservation and related purposes by East Pikeland Township, and, if at any time East Pikeland Township or its successor in function conveys the property, fails to ensure the preservation of the historic or archaeological resources or permits the property to be used for any purpose other than those specified in this section, the title to the property shall immediately revert to and revest in the Commonwealth of Pennsylvania. Any significant alterations to the historic buildings or construction activities in the property conveyed which might affect the archaeological remains surrounding the buildings must be reviewed by the Pennsylvania Historical and Museum Commission in advance of construction.

(d) The deed of conveyance shall be approved as provided by law and shall be executed by the Secretary of General Services in the name of the Commonwealth of Pennsylvania.

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

Section 6. (a) The Department of General Services, with the approval of the Governor and the Secretary of Environmental Resources, is hereby authorized and directed on behalf of the Commonwealth of Pennsylvania to grant, sell and convey to Mr. and Mrs. Harold Harris for a consideration of \$25,000 the tract of land described in subsection (b).

(b) The property to be conveyed pursuant to subsection (a) is the following tract of land situate in the Borough of South Philipsburg, Township of Rush, Centre County, bounded and described as follows:

Beginning at the corner of Hemlock and C Streets in the south side addition to South Philipsburg, Centre County, Pennsylvania; thence along Hemlock Street south 45 degrees west 66 feet to Lot No. 107; thence along the same south 45 degrees east 170 feet to a 16-foot alley; thence along the same north 45 degrees east 66 feet to C Street; thence along the same north 45 degrees west 170 feet to the place of beginning.

Being Lot Nos. 108 and 109 as laid down in the plat plan of the southside addition to said Borough of South Philipsburg.

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

(d) The proceeds of this sale shall be paid into the State Treasury and deposited in the General Fund and credited to the State Forestry Land Restricted Revenue Account in the Department of Environmental Resources.

(e) The deed of conveyance shall be approved as provided by law and shall be executed by the Secretary of General Services in the name of the Commonwealth of Pennsylvania.

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

Section 7. (a) The Department of General Services, with the approval of the Governor, is hereby authorized and directed on behalf of the Commonwealth to grant and convey to Glade Township Volunteer Fire Department, Inc., for a consideration of \$9,000, the following improved tract of land situate in Glade Township, Warren County, bounded and described as follows:

All that certain piece or parcel of land situate in Glade Township, Warren County, Pennsylvania, said parcel being bounded and described as follows:

Commencing at the center line intersection of Conewango Avenue Extension (State Route 1011) and Hatch Run Road (State Route 1008);

thence south 85 degrees 51 minutes 15 seconds east along the center line of Hatch Run Road a distance of 1510.23 feet to a point, said pipe marking the point of beginning; thence north 11 degrees 18 minutes 29 seconds east a distance of 25.07 feet to a set one-inch iron pipe on the northerly right-of-way line of Hatch Run Road; thence continuing north 11 degrees 18 minutes 29 seconds east a distance of 391.46 feet to a set one-inch iron pipe; thence continuing by the following courses severing the subject parcel from other portions of the Warren State Hospital Tract No. 3: north 06 degrees 57 minutes 15 seconds east a distance of 544.65 feet to a set one-inch iron pipe; thence north 81 degrees 06 minutes 21 seconds east a distance of 1149.05 feet to a set one-inch iron pipe; thence south 12 degrees 15 minutes 52 seconds west a distance of 1521.12 feet to a set one-inch iron pipe on the northerly right-of-way line of Hatch Run Road; thence continuing south 12 degrees 15 minutes 52 seconds west a distance of 25.25 feet to a point in the center line of Hatch Run Road; thence along a curve of the center line of Hatch Run Road, having a chord bearing north 72 degrees 08 minutes 19 seconds west, a chord length of 380.08 feet, and a radius of 850 feet, to a point; thence north 60 degrees 10 minutes 57 seconds west along the center line of Hatch Run Road a distance of 312.63 feet to a point; thence along a curve of the center line of Hatch Run Road, having a chord bearing north 70 degrees 44 minutes 18 seconds west, a chord length of 340.43 feet, and a radius of 850 feet, to a point, said pipe being the point of beginning.

Containing an area of 1,306,800 square feet or 30 acres.

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

(c) The deed of conveyance shall be approved as provided by law and shall be executed by the Secretary of General Services in the name of the Commonwealth of Pennsylvania.

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

Section 8. (a) The Department of General Services, with the approval of the Governor, is hereby authorized and directed on behalf of the Commonwealth of Pennsylvania to convey to the Borough of Somerset the following tracts of land situate in Somerset Township, Somerset County, Pennsylvania, for a consideration of one-half of the fair market value, the following:

Tract No. 1

All that certain piece or parcel of land situate in Somerset Township, Somerset County, Pennsylvania, more particularly bounded and described as follows:

Beginning at an iron pin set in the boundary line of lands of the Commonwealth of Pennsylvania at the southern right-of-way line at State Route 31;

Thence along the southern right-of-way line for State Route 31, by the arc of a circle curving to the right, having a radius of 1885.08 feet, an arc length of 143.11 feet and a chord bearing of south 67 degrees 15 minutes 31 seconds east having a distance of 143.07 feet to a set rebar;

Thence by the same, south 65 degrees 05 minutes 01 second east 131.59 to a set rebar, common corner of lands of Robert E. and Naomi J. Sheeler;

Thence by lands of Robert E. and Naomi J. Sheeler south 55 degrees 48 minutes 18 seconds west 196.04 feet to a set rebar at lands of the Commonwealth of Pennsylvania, recorded in Deed Book Volume 469, Page 355;

Thence by lands of the Commonwealth of Pennsylvania north 21 degrees 58 minutes 30 seconds west 238.23 feet to the place of beginning. Containing 0.535 acres as shown on a survey performed by the Neilan Engineers Division of the EADS Group.

Containing 0.535 acres, more or less.

Being the same parcel of land conveyed to the Somerset County Commissioners by deed dated May 28, 1918, recorded in Deed Book Volume 195, Page 596.

#### Tract No. 2

All that certain tract or parcel of land situate in Somerset Township, Somerset County, Pennsylvania, more particularly bounded and described as follows:

Beginning at an iron pin set in the southern right-of-way line for State Route 31, at a corner of lands now or formerly of the County of Somerset, recorded in D.B.V. 195 at Page 596; thence along the boundary of the County of Somerset parcel and along lands now or formerly of Robert E. and Naomi J. Sheeler south 21 degrees 58 minutes 30 seconds east 364.79 feet to a point;

Thence through lands of the Commonwealth of Pennsylvania of which the herein-described parcel is a part, north 64 degrees 32 minutes 58 seconds west 217.57 feet to a point;

Thence through the same by the arc of a circle curving to the right having a radius of 160 feet, an arc distance of 164.41 feet, having a chord bearing of north 35 degrees 06 minutes 42 seconds west and a chord distance of 157.27 feet to a point;

Thence by the same north 05 degrees 40 minutes 27 seconds west a distance of 171.79 feet to a point on the southern right-of-way line of State Route 31;

Thence by the southern right-of-way line of S.R. 31 south 73 degrees 11 minutes 01 second east 52.81 feet to a point;

Thence by the same, by the arc of a circle curving to the right, having a radius of 1885.08 feet, an arc distance of 123.37 feet, having a chord bearing



of south 71 degrees 18 minutes 30 seconds east and a chord distance of 123.35 feet to the place of beginning.

Containing 1.331 acres, more or less.

Being a part of those lands conveyed to the Commonwealth of Pennsylvania on June 3, 1953, recorded in the Deed Book Volume 469, Page 359, in the deed records of Somerset County.

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

(c) The deed of conveyance shall contain a clause that the property conveyed shall be used for municipal purposes by the Borough of Somerset, and, if at any time the Borough of Somerset or its successor in function conveys the property or permits the property to be used for any purpose other than those specified in this section, the title to the property shall immediately revert to and revest in the Commonwealth of Pennsylvania.

(d) The deed of conveyance shall contain a clause that the water tanks of Somerset State Hospital, situated on the tract, shall be included in the conveyance.

(e) The deed of conveyance shall be approved as provided by law and shall be executed by the Secretary of General Services in the name of the Commonwealth of Pennsylvania.

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

Section 9. (a) The Department of General Services, with the approval of the Governor, is hereby authorized and directed on behalf of the Commonwealth of Pennsylvania to convey to the Venango Area Riding For the Handicapped Association, Inc., the following tract of land situate in Frenchcreek Township, Venango County, Pennsylvania, for a consideration of one-half of the fair market value, the following:

All that certain piece or parcel of land situate in Frenchcreek Township, Venango County, Pennsylvania, bounded and described as follows:

Beginning at a point marked by the intersection of the center line of the public road known as Niles Valley Road, also known as Township Road No. 356, with the center line of Pennsylvania Legislative Route 60020; thence along the center line of Pennsylvania Legislative Route 60020 north 88 degrees 04 minutes 54 seconds east 1,228.57 feet to a point therein; thence along other lands now or late of the Commonwealth of Pennsylvania, south 02 degrees 44 minutes 13 seconds west 1,806.07 feet to the center line of Pennsylvania Traffic Route 62; thence along the center line of Pennsylvania Traffic Route 62 north 85 degrees 42 minutes 47 seconds west 800.78 feet to a point therein; thence along other lands now or late of the Commonwealth of Pennsylvania, being along the line dividing the Borough of Polk and the

Township of Frenchcreek, north 04 degrees 04 minutes 28 seconds east 757.83 feet to a point; thence continuing along the same north 70 degrees 50 minutes 38 seconds west 460.50 feet to a point in the center line of the Niles Valley Road, also known as Township Road 356; thence along the center line of Township Road 356 north 02 degrees 44 minutes 13 seconds east 796.91 feet to the place of beginning.

Containing 40 acres pursuant to a survey prepared by William C. Moffitt, Registered Surveyor No. 8496-E, dated April 24, 1993.

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

(c) The deed of conveyance shall contain a clause that the property conveyed shall be used for riding for persons with disabilities, and, if at any time the Venango Area Riding For the Handicapped Association, Inc., or its successor in function conveys the property or permits the property to be used for any purpose other than that specified in this section, the title to the property shall immediately revert to and revest in the Commonwealth of Pennsylvania.

(d) The deed of conveyance shall be approved as provided by law and shall be executed by the Secretary of General Services in the name of the Commonwealth of Pennsylvania.

(e) Costs and fees incidental to the conveyance shall be borne by the grantee.

(f) The deed of conveyance shall contain the following covenant:

Development shall not be permitted within 200 feet of the streams on the north and south edges of the site.

(g) The proceeds of the conveyance shall be deposited in the Agricultural Conservation Easement Purchase Fund. The proceeds shall be deposited in accordance with section 7.1(a) of the act of June 18, 1982 (P.L.549, No.159), entitled "An act providing for the administration of certain Commonwealth farmland within the Department of Agriculture."

Section 10. This act shall take effect as follows:

(1) Section 5 shall take effect in 60 days.

(2) The remainder of this act shall take effect immediately.

APPROVED—The 7th day of December, A.D. 1994.

ROBERT P. CASEY