

No. 2001-76

AN ACT

HB 673

Authorizing and directing the Department of Transportation, with the approval of the Governor, to convey to Scranton School District two parcels of land situated in the City of Scranton, Lackawanna County, Pennsylvania; authorizing and directing the Department of General Services, with the approval of the Governor, to grant and convey to Smithfield Township or its assigns certain lands situate in Smithfield Township, Huntingdon County; and making a repeal.

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

Section 1. Transfer in Scranton, Lackawanna County.

(a) Authorization and description.—The Department of Transportation, with the approval of the Governor, is hereby authorized and directed, on behalf of the Commonwealth of Pennsylvania, to grant and convey to Scranton School District for 50% of the fair market value as determined by an independent appraisal approved by the Department of Transportation the following parcels of land situated in the City of Scranton, Lackawanna County, Pennsylvania, bounded and described as follows:

Parcel No. 1

All that parcel of land situate in the City of Scranton, County of Lackawanna and State of Pennsylvania, bounded and described as follows:

Beginning at a point located 177.75 feet right perpendicular from SR 3027 baseline station 58+53.76; thence North 9 degrees 35 minutes 28 seconds West 314.14 feet; thence North 8 degrees 34 minutes 38 seconds West 551.17 feet; thence North 9 degrees 39 minutes 21 seconds West 526.46 feet; thence North 65 degrees 39 minutes 54 seconds East 18.00 feet to a point on a curve having a radius of 1547.28 feet and a central angle of 14 degrees 39 minutes 54 seconds; thence along the arc of the curve a distance of 396.03 feet, the arc subtended by a chord bearing South 31 degrees 40 minutes 3 seconds East a distance of 394.95 feet; thence South 0 degrees 29 minutes 45 seconds East 31.81 feet to a point on a curve having a radius of 1567.28 feet and a central angle of 9 degrees 48 minutes 0 seconds; thence along the arc of the curve a distance of 268.07 feet, the arc subtended by a chord bearing South 44 degrees 48 minutes 36 seconds East a distance of 267.74 feet; thence South 49 degrees 45 minutes 28 seconds East 105.69 feet; thence South 49 degrees 34 minutes 08 seconds East 92.46 feet; thence South 49 degrees 48 minutes 24 seconds East 108.45 feet; thence North 38 degrees 45 minutes 02 seconds East 1.80 feet; thence South 52 degrees 39 minutes 08 seconds East 32.35 feet; thence South 58 degrees 59 minutes 23 seconds East 255.04 feet; thence South 45 degrees 35 minutes 31 seconds East 345.92 feet to a point on a curve, having a radius of 188.00 feet and a central angle of 16 degrees 42 minutes 10 seconds;

thence along the arc of the curve a distance of 54.81 feet, the arc subtended by a chord bearing South 37 degrees 07 minutes 17 seconds East a distance of 54.61 feet; thence South 53 degrees 49 minutes 38 seconds West 461.58 feet to a point on a curve having a radius of 2964.79 feet and a central angle of 2 degrees 40 minutes 57 seconds; thence along the arc of the curve a distance of 138.80 feet, the arc subtended by a chord bearing South 52 degrees 29 minutes 10 seconds West a distance of 138.79 feet to a point on a curve, having a radius of 290.00 feet and a central angle of 112 degrees 16 minutes 17 seconds thence along the arc of the curve a distance of 568.26 feet, the arc subtended by a chord bearing North 72 degrees 43 minutes 14 seconds West a distance of 481.61 feet to a point on a curve having a radius of 611.19 feet and a central angle of 2 degrees 20 minutes 13 seconds; thence along the arc of the curve a distance of 24.93 feet, the arc subtended by a chord bearing North 15 degrees 25 minutes 01 seconds West a distance of 24.93 feet to the point of beginning. Containing 17.6529 acres, more or less.

Excepting and reserving a drainage easement beginning at a point located 842.88 feet right perpendicular from SR 3027 baseline station 56+80.14; thence South 53 degrees 49 minutes 38 seconds West 154.10 feet to a point on a curve having a radius of 3014.79 feet and a central angle of 5 degrees 39 minutes 37 seconds; thence along the arc of the curve a distance of 297.84 feet, the arc subtended by a chord bearing South 50 degrees 59 minutes 49 seconds West a distance of 297.72 feet, to a point on a curve, having a radius of 290.00 feet and a central angle of 32 degrees 41 minutes 21 seconds thence along the arc of the curve a distance of 165.45 feet, the arc subtended by a chord bearing North 67 degrees 29 minutes 17 seconds East a distance of 163.22 feet to a point on a curve having a radius of 2964.79 feet and a central angle of 2 degrees 40 minutes 57 seconds thence along the arc of the curve a distance of 138.80 feet, the arc subtended by a chord bearing North 52 degrees 29 minutes 10 seconds East a distance of 138.79 feet; thence North 53 degrees 49 minutes 42 seconds East 219.63 feet; thence North 30 degrees 42 minutes 49 seconds West 644.17 feet to a point on a curve, having a radius of 751.20 feet and a central angle of 4 degrees 41 minutes 48 seconds; thence along the arc of the curve a distance of 61.58 feet, the arc subtended by a chord bearing North 33 degrees 03 minutes 43 seconds West a distance of 61.56 feet; thence North 49 degrees 40 minutes 04 seconds West 158.40 feet; thence North 49 degrees 45 minutes 28 seconds West 105.69 feet to a point on a curve having a radius of 1567.28 feet and a central angle of 9 degrees 48 minutes 00 seconds; thence along the arc of the curve a distance of 268.07 feet, the arc subtended by a chord bearing North 44 degrees 48 minutes 36 seconds West, a distance of 267.74 feet; thence North 0 degrees 29 minutes 45 seconds West 31.81 feet; thence North 37 degrees 45 minutes 26 seconds West 67.08 feet; thence North 45 degrees 03 minutes 34 seconds West 178.46 feet; thence North 45 degrees 03 minutes 36 seconds West 46.41 feet; thence South 9

degrees 10 minutes 01 seconds East 119.40 feet; thence South 45 degrees 03 minutes 34 seconds East 622.40 feet to a point on a curve, having a radius of 681.20 feet and a central angle of 14 degrees 20 minutes 45 seconds thence along the arc of the curve a distance of 170.56 feet, the arc subtended by a chord bearing South 37 degrees 53 minutes 12 seconds East a distance of 170.12 feet; thence South 30 degrees 42 minutes 50 seconds East 600.63 feet to the point of beginning. Containing 2.5114 acres, more or less.

Parcel No. 2

All that parcel of land situate in the City of Scranton, County of Lackawanna and State of Pennsylvania, bounded and described as follows to wit:

Beginning at a point located 664.44 feet right perpendicular from SR 3029 baseline station 115+10.97; thence South 20 degrees 59 minutes 10 seconds West 209.82 feet; thence North 76 degrees 38 minutes 00 seconds West 42.88 feet; thence South 55 degrees 41 minutes 13 seconds West 139.77 feet; thence North 27 degrees 45 minutes 07 seconds West 143.42 feet; thence North 19 degrees 12 minutes 35 seconds West 518.94 feet to a point on a curve having a radius of 2764.79 feet and a central angle of 2 degrees 35 minutes 35 seconds; thence along the arc of the curve a distance of 125.13 feet, the arc subtended by a chord bearing North 52 degrees 31 minutes 51 seconds East a distance of 125.12 feet; thence North 53 degrees 49 minutes 38 seconds East 489.58 feet to a point on a curve having a radius of 188.00 feet and a central angle of 20 degrees 14 minutes 57 seconds; thence along the arc of the curve a distance of 66.44 feet, the arc subtended by a chord bearing South 55 degrees 35 minutes 51 seconds East a distance of 66.10 feet; thence South 45 degrees 28 minutes 23 seconds East 24.62 feet; thence South 5 degrees 27 minutes 40 seconds West 547.35 feet; thence South 20 degrees 46 minutes 24 seconds West 125.98 feet to the point of beginning. Containing 7.5465 acres, more or less.

Excepting and reserving a drainage easement beginning at a point located 100 feet right perpendicular from SR 3029 baseline station 116+64.82; thence along a curve having a radius of 110.00 feet and a central angle of 52 degrees 20 minutes 36 seconds a distance of 100.49 feet, the arc subtended by a chord bearing South 0 degrees 01 minutes 03 seconds West a distance of 97.03 feet; thence South 26 degrees 11 minutes 21 seconds West 0.0029 feet to a point on a curve, having a radius of 65.00 feet and a central angle of 27 degrees 24 minutes 06 seconds thence along the arc of the curve a distance of 31.09 feet, the arc subtended by a chord bearing South 12 degrees 29 minutes 18 seconds West a distance of 30.79 feet; thence South 1 degree 12 minutes 45 seconds East 129.82 feet; thence South 1 degree 24 minutes 22 seconds West 373.15 feet; thence South 28 degrees 43 minutes 35 seconds East 144.65 feet; thence South 55 degrees 41 minutes 13 seconds West 70.33 feet; thence North 28 degrees 43 minutes 35 seconds West 170.34 feet; thence North 1 degree 24 minutes 22 seconds East 390.39 feet; thence North 1 degree 12 minutes 45 seconds West 128.22

feet to a point on a curve having a radius of 135.00 feet and a central angle of 27 degrees 24 minutes 06 seconds; thence along the arc of the curve a distance of 64.56 feet, the arc subtended by a chord bearing North 12 degrees 29 minutes 18 seconds East, a distance of 63.95 feet to a point on a curve having a radius of 40.00 feet and a central angle of 33 degrees 47 minutes 04 seconds; thence along the arc of the curve a distance of 23.59 feet, the arc subtended by a chord bearing North 9 degrees 18 minutes 04 seconds East a distance of 23.25 feet; thence North 53 degrees 49 minutes 38 seconds East 73.20 feet to the point of beginning. Containing 1.2508 acres, more or less.

(b) Deed.—The deed of conveyance shall contain a reversionary clause by which any of the land conveyed shall revert to the Commonwealth if it shall no longer be used for public school purposes, shall be approved as provided by law and shall be executed by the Secretary of Transportation in the name of the Commonwealth of Pennsylvania.

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

(d) Proceeds.—Moneys received from the conveyance shall be deposited in the Motor License Fund.

Section 2. Transfer in Smithfield Township, Huntingdon County.

(a) Authorization.—The Department of General Services, with the approval of the Governor, is hereby authorized and directed on behalf of the Commonwealth of Pennsylvania to grant and convey to Smithfield Township or its assigns certain lands on the grounds of the State Correctional Institution - Huntingdon described in subsection (b) for fair consideration equal to fair market value as determined by independent appraisal.

(b) Description.—The property to be conveyed pursuant to subsection (a) consists of approximately 115.93 acres, more particularly described as follows:

Parcel A

BEGINNING at a point on the southern edge of the right-of-way for S.R. 0022, said point being marked by an iron pin; thence along the right-of-way for S.R. 0022 along an arc curve to the right having a radius of 11399.19 feet a distance of 1684.83 feet to a point marked by an iron pin and located on the southern edge of S.R. 0022; thence along same South 56 degrees 09 minutes 17 seconds East, 615.78 feet to an iron pin; thence along the northern edge of the right-of-way for S.R. 0026 South 59 degrees 16 minutes 17 seconds West, 869.30 feet to an iron pin; thence along same South 30 degrees 43 minutes 43 seconds East, 5.00 feet to an iron pin; thence along same South 59 degrees 16 minutes 17 seconds West, 705.94 feet to an iron pin; thence along other lands of the Grantor herein North 47 degrees 24 minutes 36 seconds West, 726.62 feet to a concrete monument; thence along same North 58 degrees 18 minutes 08 seconds West, 1032.36 feet to an iron pin; thence along same North 17 degrees 30 minutes 01

seconds East, 1081.12 feet to a railroad spike; thence along lands now or formerly of Muirco, Inc. South 80 degrees 04 minutes 19 seconds East, 471.91 feet to an iron pin the place of BEGINNING.

CONTAINING 67.20 acres and denominated as Parcel A on a Plan of Survey for the Township of Smithfield dated August 20, 1998, and denominated as Project No. 1002-01 D-3 prepared by G. I. Phillips, III, PLS.

Parcel B

BEGINNING at an iron pin on the southern edge of the right-of-way for S.R. 0026; thence along the southern edge of the right-of-way for S.R. 0026 North 57 degrees 25 minutes 17 seconds East, 734.85 feet to an iron pin; thence along same along an arc curve to the right having an arc radius of 11434.19 feet an arc length of 369.19 feet to an iron pin; thence along same North 59 degrees 16 minutes 17 seconds East 901.75 feet to an iron pin; thence along other lands of the Grantor herein South 30 degrees 43 minutes 42 seconds East, 1038.52 feet to an iron pin; thence along same South 58 degrees 25 minutes 14 seconds West, 1467.30 feet to an iron pin; thence along lands now or formerly of William E. Swigart, Jr. North 58 degrees 18 minutes 09 seconds West, 1162.69 feet to an iron pin, the place of BEGINNING.

CONTAINING 41.76 acres and denominated as parcel B on a Plan of Survey for the Township of Smithfield dated August 20, 1998, and denominated as Project No. 1002-01 D-3 prepared by G. I. Phillips, III, PLS.

Parcel C

BEGINNING at an iron pin located on the southern edge of the right-of-way for S.R. 0022; thence along lands now or formerly of the Grantor herein South 33 degrees 50 minutes 43 seconds West, 416.55 feet to an iron pin; thence along same South 60 degrees 56 minutes 46 seconds West, 56.36 feet to a point in the water; thence along same North 50 degrees 46 minutes 27 seconds West, 712.79 feet to an iron pin; thence along same North 39 degrees 13 minutes 37 seconds East, 171.29 feet to an iron pin; thence along same along an arc curve to the left having an arc radius of 203.49 feet an arc length of 139.67 feet to an iron pin; thence along same along an arc curve to the right having a radius of 119.39 feet a length of 119.25 feet; thence along the southern edge of the right-of-way for S.R. 0022 South 56 degrees 09 minutes 17 seconds East, 618.41 feet to an iron pin the place of BEGINNING.

CONTAINING 6.97 acres, more or less, and being denominated as Parcel C on a Plan of Survey for the Township of Smithfield dated August 20, 1998, and denominated as Project No. 1002-01 D-3 prepared by G. I. Phillips, III, PLS.

(c) Easements.—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) **Covenants and restrictions.**—The deed of conveyance shall contain the following covenants and restrictions:

(1) No alterations, construction, development, earth disturbance or excavation will take place within one hundred fifty (150) feet of the Mason Spring Reservoir fence located on residual lands of the Commonwealth of Pennsylvania and Parcels A, B and C.

(2) Grantee, its successors and assigns will protect and preserve the water resources of the Commonwealth located at the Mason Spring Reservoir Area. In the event contamination of the water resources occurs as a result of development or use on Parcels A, B or C, the grantee shall take the necessary steps to decontaminate the water sources and shall be responsible for all incidental and consequential costs that the Commonwealth of Pennsylvania may incur as a result of the contamination.

(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) **Disposal.**—In the event that this conveyance is not executed with Smithfield Township or its assigns, the property may be disposed of in accordance with section 2406-A of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929.

(h) **Repeal.**—Section 3 of the act of December 19, 1997 (P.L.623, No.66), entitled “An act authorizing and directing the Department of General Services, with the approval of the Governor, to grant and convey to the City of McKeesport a tract of land situate in the Seventh Ward, City of McKeesport, Allegheny County, and to sell and convey to Smithfield Township certain land situate in the Township of Smithfield, Huntingdon County; and authorizing and directing the Department of General Services, with the approval of the Governor, to convey tracts of land and buildings, consisting of a portion of the former Laurelton Center, located in Hartley Township, Union County, Pennsylvania,” is repealed.

Section 3. Effective date.

This act shall take effect immediately.

APPROVED—The 26th day of June, A.D. 2001.

THOMAS J. RIDGE