

No. 2002-119

AN ACT

SB 1035

Authorizing and directing the Department of General Services, with the approval of the Governor, to grant and convey to Kittochtinny Historical Society, Inc., certain lands situate in Antrim Township, Franklin County; authorizing the Department of General Services, with the approval of the Department of Transportation and the Governor, to grant and convey to the West Chester Area School District certain lands in West Goshen Township, Chester County; and authorizing and directing the Department of General Services, with the approval of the Governor, to grant and convey to Pennsylvania Suburban Water Company (as successor to Philadelphia Suburban Water Company by merger) certain lands situate in Canaan Township, Wayne County, and Carbondale and Fell Townships in Lackawanna County.

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

Section 1. Conveyance in Antrim Township.

(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 Kittochtinny Historical Society, Inc., certain land and buildings described in subsection (b) for fair market value as determined by independent appraisal in accordance with an Agreement of Sale dated February 16, 2001.

(b) Property description.—The property to be conveyed pursuant to this section consists of approximately 0.24 acres and a stone one-room schoolhouse, bounded and more particularly described as follows:

BEGINNING at an iron pin at the intersection of a public road with the public road leading to Kauffman's Station; thence along line in the first mentioned public road north 45 degrees east 50 feet to an iron pin; thence along lands now or formerly of the School district of Antrim Township south 47 degrees east 143.4 feet to a post; thence along lands of the Old Brown's Mill grave yard south 67 degrees west 125.4 feet to a point in the said road leading to Kauffman's Station; thence along line in said road north 13.25 degrees west 115.5 feet to an iron pin the place of BEGINNING.

CONTAINING 0.24 acres more or less.

AND BEING the same land conveyed to the Commonwealth of Pennsylvania by deed of the Old Brown's Mill School Memorial Association, dated September 17, 1962, and recorded in Franklin County, Deed Book Volume 566 at page 131.

(c) Conditions of 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) Restrictive clauses of deed.—The deed of conveyance shall contain the following restrictive clauses:

(1) UNDER AND SUBJECT to the condition that the lands conveyed herein shall be used for historical exhibition/public purposes only. Should the Grantee allow the lands conveyed to be used for any other purpose, or attempts to convey the Premises, title shall immediately revert to and revest in the Grantor. However, the Grantor and Grantee, or their successors and assigns, agree that should the within named Grantee, or its successors, dissolve or cease to remain in existence, then the Grantee, or its successors, may allow title to the above-described real estate to be conveyed to a successor organization that has the same objectives, purposes and goals as the Grantee, said conveyance to be subject to the other covenants and restrictions set forth in this deed.

(2) UNDER AND SUBJECT to the condition that the Grantee shall ensure that any design for new construction, rehabilitation, alteration or demolition work on the property is compatible with its original architectural design and landscape/site plan in terms of scale, massing, fenestration, materials and color and is consistent with the recommended approaches in the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings as revised in 1995. Further, no new construction, demolition, alteration, remodeling or landscaping/site work shall be undertaken or permitted to be undertaken on the property without the prior written approval of the PA Historical and Museum Commission and signed by a duly authorized representative thereof.

(e) Execution of 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) Time period for conveyance.—In the event that this conveyance is not executed within 12 months of the effective date of this act, the property may be disposed of in accordance with Article 2406-A of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929.

Section 2. Conveyance in West Goshen Township, Chester County.

(a) Authorization.—The Department of General Services, with the approval of the Department of Transportation and the Governor, is hereby authorized on behalf of the Commonwealth of Pennsylvania to grant and convey to the West Chester Area School District the Department of Transportation's Chester County Maintenance Facility, land and buildings described in subsection (b) for fair market value as determined by independent appraisal.

(b) *Legal description of land.*—The property to be conveyed pursuant to this section consists of the Department of Transportation's Chester County Maintenance Facility, bounded and more particularly described as all that certain piece or parcel of land in West Goshen Township, Chester County, Pennsylvania, bounded and described as follows:

PARCEL 1

BEGINNING at a point, an iron pipe, in the lands of Edward Haley and Thomas F. Haley (Deceased) on the production of the north building line of Biddle Street, said point being 16.11 feet in an easterly direction from a brass plug in the concrete roadway of State Highway Application 7326; thence along said State Highway Application N. 23 degrees W. a distance of 330.31 feet to an iron pipe, the corner of lands of Edward Haley and Thomas F. Haley (Deceased) and the West Chester Nursery Company; said iron pipe being 16.11 feet in an easterly direction from a brass plug in the concrete roadway of State Highway Application 7326; thence by the lands of Edward Haley and Thomas F. Haley, (Deceased) and the West Chester Nursery Company N. 67 degrees E. a distance of 534.00 feet to a concrete monument in the line of lands of Hannah Parker; thence by the lands of Edward Haley, and Thomas F. Haley (Deceased) and Hannah Parker S. 26 degrees 52 minutes 42 seconds E. a distance of 131.13 feet to a point; thence by the lands of Edward Haley and Thomas F. Haley (Deceased) and George H. Kelling S. 26 degrees 52 minutes 42 seconds E. a distance of 59 feet to a point; thence thru the lands of Edward Haley and Thomas F. Haley (Deceased) S. 26 degrees 52 minutes 42 seconds E. a distance of 52.00 feet to an iron pipe; thence continuing thru the lands of Edward Haley and Thomas F. Haley (Deceased) S. 22 degrees 05 minutes E. a distance of 86.07 feet, to an iron pipe on the production of the North Building Line of Biddle Street; thence along the production of the north building line of Biddle Street, thru the lands of Edward Haley and Thomas F. Haley (Deceased) S. 66 degrees 44 minutes W. a distance of 542.00 feet to the point of BEGINNING.

Containing 4.110 acres, be the same more or less.

PARCEL 2

TRACT 1 - BEGINNING at an iron pipe on the easterly side of Montgomery Avenue, State Application 7326, said pipe being on the legal right of way line and on the line dividing the lands of Edward D. Haley and the Commonwealth of Pennsylvania, Department of Highways; thence along lands of the said Commonwealth of Pennsylvania, Department of Highways, North sixty six degrees, forty four minutes East, a distance of five hundred forty nine (549.00) feet to an iron pipe in the line of lands of E. Duie Pyle South twenty two degrees, five minutes East, a distance of one hundred fifty six and thirty hundredths (156.30) feet to an iron pipe; thence South sixty seven degrees West, a distance of five hundred forty six and fifty hundredths (546.50) feet to an iron pipe on the easterly side of said Montgomery Avenue, State Aid Application 7326; thence along the legal

right of way line of said Montgomery Avenue, State Aid Application 7326, North twenty three degrees West, a distance of one hundred fifty three and forty four hundredths (153.44) feet to the point of BEGINNING and containing one and nine thousand four hundred fifty four ten thousandths (1.9454) acres more or less, with the privilege of entering upon adjoining land to clean the aforesaid ditch and subject to the privilege to the owners of adjoining land through which the said ditch passes of entering upon the lots hereby granted and cleaning the said ditch whenever it may become obstructed.

TRACT 2 - BEGINNING at an iron pipe on the easterly side of Montgomery Avenue, State Aid Application 7326, said pipe being on the legal right of way line and the line of lands of Edward D. Haley; thence North sixty seven degrees East, a distance of five hundred forty six and fifty hundredths (546.50) feet to an iron pipe in line of lands of E. Duie Pyle; thence along the lands of E. Duie Pyle South seventeen degrees forty four minutes East, a distance of eighteen and ninety nine hundredths (18.99) feet to an iron pipe in the line of lands of the West Chester Paper Box Company, Inc.; thence along the lands of said West Chester Paper Box Company Inc. and Edward D. Haley South sixty seven degrees, six minutes, thirty seconds West, a distance of five hundred forty five (545.00) feet to an iron pipe on the easterly side of said Montgomery Avenue, State Aid Application 7326; thence along the legal right of way line of said Montgomery Avenue, State Aid Application 7326, North twenty three degrees West, a distance of seventeen and eighty eight hundredths (17.88) feet to the point of BEGINNING and containing two thousand two hundred forty one ten thousandths (0.2241) acres more or less, with the privilege of entering upon adjoining land to clean the aforesaid ditch and subject to the privilege to the owners of adjoining land through which the said ditch passes of entering upon the lots hereby granted and cleaning said ditch whenever it may become obstructed.

(c) Conditions.—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) 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.

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

(f) Deposit of proceeds.—The proceeds from the sale shall be deposited in the Motor License Fund to pay for costs and fees incurred for a new Chester County Maintenance Facility as well as the costs and fees incurred

by the Department of General Services as authorized under section 2406-A of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929.

(g) Alternate disposition.—In the event that this conveyance is not executed within 12 months of the effective date of this act, the property may be disposed of in accordance with section 2406-A of the Administrative Code of 1929. The proceeds from the sale shall be deposited in accordance with subsection (f).

Section 3. Conveyance in Wayne County and Lackawanna County.

(a) Conveyance authorized.—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 Pennsylvania Suburban Water Company (as successor to Philadelphia Suburban Water Company by merger) certain lands and improvements thereon situate on the grounds of the State Correctional Institution at Waymart, north of State Route 0006 and described in subsection (b), along with a water utility easement on the grounds of the State Correctional Institution at Waymart as more fully described in subsection (c), subject to such consideration and terms as are provided in a Lease with Option to Purchase Agreement with the Department of General Services, dated March 12, 2002.

(b) Property description.—The property to be conveyed pursuant to this section consists of approximately 390 acres of land bounded and described according to a metes and bounds description prepared by Alfred K. Bucconear, Registered Professional Land Surveyor. These lands are comprised of six tracts more particularly described as follows:

TRACT ONE

ALL that certain piece, parcel or tract of land lying, situate and being in the Township of Canaan, County of Wayne and Commonwealth of Pennsylvania, bounded and described as follows, to wit:

BEGINNING at the southerly corner of a tract of land in the warrantee name of James Chapman, being also a northerly corner of a tract of land in the warrantee name of Benjamin Mason; thence south nine and one quarter degrees east sixty nine and nine tenths rods to a corner; thence by a parcel of land containing one acre, heretofore conveyed by the President, Managers and Company of the Delaware and Hudson Canal Company to J. B. Fitzsimmons, north seventy six degrees west eight and ninety five one hundredths rods, south nine and one quarter degrees east twenty rods, south seventy six degrees east seven and thirty five one hundredths rods to a corner on the northerly side of the Honesdale and Clarksville Turnpike; thence south six and one half degrees west sixteen and five tenths rods or thereabouts to the center of the Old Gravity Plane No. 20, thence up the center of said Old Gravity Plane No. 20 twenty nine rods to the center of the highway crossing said plane; thence south westerly along the center of the said highway two hundred feet to a corner; thence north westerly parallel with the center line of the Old Gravity Plane No. 20, four hundred and

eighty feet or thereabouts to a point distant one hundred feet, north easterly at right angles, from the center of the main line on the Honesdale Division of the Delaware and Hudson Company; thence in a north westerly direction by a line parallel with and distant one hundred feet north easterly at right angles from the center of said main line to the south easterly line of a tract of land in the warrantee name of Henry Ellis; thence in a north westerly direction eight hundred and twenty feet or thereabouts to a stone post marking the north easterly corner of a tract of land heretofore conveyed to the Delaware and Hudson Canal Company, by Thomas Thomas, etal by deed dated December 1, 1857; thence north forty seven degrees east ninety eight rods to a corner in the southwesterly line of said James Chapman tract; and thence by the said line of said tract south forty four and three quarters degrees east two hundred and thirteen (213) rods to the place of Beginning. Being part of two tracts of land in the warrantee names of Henry Ellis and Benjamin Mason; and containing one hundred and sixty four (164) acres of land or thereabouts; and being part of a larger tract of land conveyed to the President, Managers and Company of the Delaware and Hudson Canal Company by Lucy Rogers and others, by deed dated March 31, 1857, and recorded in the office for the recording of deeds & etc. in and for Wayne County, in Deed Book No. 25, Page 52, as by reference thereto will more fully appear.

BEING part of the same premises which The Delaware And Hudson Company (Formerly The President, Managers, and Company of the Delaware and Hudson Canal Company), by indenture, dated February 19, 1907, and recorded in Wayne County Deed Book Volume 97 at Page 98, granted, conveyed, released and remised to The Commonwealth of Pennsylvania, GRANTOR herein.

EXCEPTING AND RESERVING, unto the GRANTOR herein, its successors and assigns, all lands of Tract One, which are located southerly of the center of the right of way of ROUTE 6/STATE ROUTE 0006.

EXCEPTING AND RESERVING, unto the GRANTOR herein, its successors and assigns, a certain parcel of land, described as follows, to wit:

BEGINNING at a point or corner, located in the center of the right of way of Route 6/State Route 0006, at the intersection, with a certain entrance/exit roadway, leading south, into and through, lands of the Commonwealth of Pennsylvania (D.B. 97, P.98 - The First (Parcel) Thereof:); thence, along the center of the right of way of the aforesaid Route 6/State Route 0006, the following two, curvilinear and/or chord, courses and distances: Along the arc of a curve to the right, in a northwesterly direction, having a central angle of 11 degrees 35 minutes 51 seconds, with a radius of 1432.69 feet, a distance or arc length of 290.00 feet to a point or corner and North 61 degrees 29 minutes 09 seconds West 85.01 feet to a point or corner; thence, departing from said public highway and through lands of the Commonwealth of Pennsylvania (D.B. 97, P. 98 - The First (Parcel) Thereof:); the following four courses and distances: North 27 degrees 36

minutes 54 seconds East 403.77 feet to an iron pin corner set, located southwesterly of a certain private roadway; thence, South 62 degrees 23 minutes 06 seconds East 100.00 feet to an iron pin corner set, located southwesterly of the aforesaid private roadway; thence, South 24 degrees 43 minutes 05 seconds East 344.28 feet to an iron pin corner set, located southwesterly of the aforesaid private roadway and; thence, South 27 degrees 18 minutes 14 seconds West (Crossing a certain private driveway, at 40 feet (more or less), which extends northwesterly from its intersection with the aforesaid private roadway referenced herein) 170.00 feet to the place of beginning. Containing, within bounds, 2.7580 Acres of land, inclusive of that area occupied by public highway and utility companies, easements and rights of way and supporting various improvements located thereon.

ALSO, RESERVING, unto the GRANTOR and GRANTEE herein, their respective heirs, successors and assigns, and others having lawful claim, the common or joint right of use, along and over, the travelway (Being 15 feet, more or less, in width) of the private driveway and the private roadway referenced herein. The subject road network extends, northerly, from the center of the right of way of Route 6/State Route 0006, through lands herein conveyed, to the southerly boundary (RE: South 27 degrees 18 minutes 14 seconds West 170.00 feet) of the premises herein described. This road network shall be used for the purpose of ingress, egress and regress for pedestrian and vehicular travel.

EXCEPTING AND RESERVING, thereout and therefrom, a certain parcel, containing 2.97 acres of land, which the Commonwealth of Pennsylvania, acting by and through David L. Jannetta, Secretary of the Department of General Services, an administrative department of the Commonwealth of Pennsylvania, with the approval of the Governor of the Commonwealth of Pennsylvania, by indenture, dated March 8, 1991 and recorded in Wayne County Record Book Volume 0562 at Page 0183, granted and conveyed to Adams CATV, Inc. ALSO, RESERVING, unto the said Adams CATV, Inc., its successors and assigns, a certain 33 foot right of way running from State Route 0006 to the westerly side line of the aforesaid 2.97 acre parcel (see Wayne County Map Book Volume 74 at page 09).

TRACT TWO (Consisting of two parcels)

ALL those two certain tracts or parcels of land in the Township of Canaan, in the County of Wayne and State of Pennsylvania, bounded and described as follows to wit:

THE FIRST PARCEL THEREOF, BEGINNING at a point in the line between lands now or formerly of George L. Morss and the estate of Noah Rogers deceased, sixty five (65) rods from the south corner of said Morss land on said tract, and about six (6) rods north easterly from the abandoned Gravity Railroad line of the Delaware and Hudson Company; thence south forty six and two thirds degrees sixty five (65) rods to a stone post in the

south westerly line of a tract of land in the warrantee name of Henry Ellis; thence along the south westerly original line of said tract, north forty three and one third degrees west two hundred ten (210) rods to a corner; thence north forty six and two thirds degrees east ten (10) rods to a corner; and thence by a straight line two hundred seventeen and one tenths (217.1) rods to the place of beginning. Containing forty nine and two tenths (49.2) acres be the same more or less.

THE SECOND PARCEL THEREOF, BEGINNING at a post and stones corner in the line of land in the Warrantee name of Henry Ellis, being the northerly corner of land conveyed by the President, Managers and company of the Delaware and Hudson Canal Company to Francis Wolcott, and known by the name of the Tymons and McLane Lot; thence by land of said Wolcott north sixty four and three fourths degrees west fifty two and seven tenths (52.7) rods to a post and stone corner; thence north seventy eight and three fourths degrees west twenty five and one fourths (25-1/4) rods to a post and stones corner; thence north eleven and one fourth degrees east twenty seven (27) rods to a post and stones corner; thence north forty six and one fourth degrees east eleven and one fourths (11 1/4) rods to a line of land in the warrantee name of Henry Ellis; and thence by said line south forty three and three fourths degrees east eighty five and four tenths (85.4) rods to the place of beginning. Containing eight (8) acres and sixty nine (69) perches be the same more or less.

BEING the same two tracts of land conveyed to the Hudson Coal Company by the Delaware and Hudson Company by deed dated September 28, 1908, and recorded in the office for the recording of deeds in and for Wayne County, in Deed Book No. ninety nine (99) at Page one hundred and fifteen (115), and being the twelfth and thirteenth parcels therein described as by reference thereto will more fully appear.

BEING the same parcels, respectively, of the same premises, which The Hudson Coal Company, by indenture, dated June 8, 1912, and recorded in Wayne County Deed Book Volume 105 at Page 455, remised, released and quit-claimed to The Commonwealth of Pennsylvania, GRANTOR herein.

TRACT THREE (Consisting of two parcels)

ALL those certain tracts or parcels of land bounded and described as follows to wit:

THE FIRST PARCEL THEREOF, situate in the Township of Canaan, County of Wayne and State of Pennsylvania and being part of a tract of land in the warrantee name of Henry Ellis, said part of said tract being bounded and described as follows to wit: BEGINNING at a stones post, the westerly corner of a tract of land conveyed to the party of the first part and hereto by Lucy Rogers by deed dated March 31, 1857, and hereinafter recited; thence by lands of the Hudson Coal Company north forty seven degrees east sixty five (65) rods to a corner; thence by land heretofore conveyed by the party of the first part hereto to the party of the second part hereto by deed dated February 19, 1907, in a southeasterly direction eight hundred twenty (820)

feet or thereabouts to a point distant one hundred (100) feet north easterly at right angles from the center of the main line of the Honesdale Division Railroad of the Delaware and Hudson Company thence in a south westerly direction by a line parallel with and distant one hundred (100) feet north westerly at right angles from the center line of said main line, fourteen hundred and sixty five (1465) feet or thereabouts to a point in the south westerly line of said Henry Ellis warrantee tract, and thence along the same north forty four degrees west forty eight (48) feet or thereabout to the place of Beginning. Containing five and sixteenths (5.16) acres be the same more or less. Being part of the same land conveyed to the President, Managers, and Company of the Delaware and Hudson Canal Company by Lucy Rogers and others, by deed dated March 31, 1857, and recorded in the office for the recording of deeds, etc. in and for Wayne County, in Deed Book twenty five (25) page fifty two (52) as by reference thereto will more fully appear.

THE SECOND PARCEL THEREOF, situate partly in the Township of Canaan, County of Wayne and State of Pennsylvania, and partly in the Township of Carbondale, County of Lackawanna and State of Pennsylvania, and being part of a tract of land in the warrantee name of Solomon Ellis said part of said tract being bounded and described as follows to wit: BEGINNING at a stones post in the northeasterly line of said warrantee tract at the westerly corner of a tract of land conveyed by Owen McLane et al to the President, Managers, and Company of the Delaware and Hudson Canal Company by deed dated October 21, 1857; thence by the aforesaid tract south forty four and one half degrees one hundred and twelve and nine tenths (112.9) rods to a stone post; thence south forty six degrees west seventy three and two tenths (73.2) rods to a stone post; thence north forty four and one half degrees west one hundred and twelve and three tenths (112.3) rods to a stones corner in the north westerly line of said Solomon Ellis tract; thence along the same north forty five and one half degrees east seventy-three and two tenths (73.2) rods to the place of Beginning, and containing fifty (50) acres of land be the same more or less. Being the same parcel of land reputed to have been sold by contract by Joseph R. Priestly, Attorney for the heirs of William Russell, deceased, dated February 8, 1843 to Patrick Colleton and by agreement dated February 11, 1854 sold by contract by Patrick Colleton to the Delaware and Hudson Canal Company, and which tract of land has been in the undisputed possession of the said Delaware and Hudson Canal Company since the date of the aforesaid contract of February 11, 1854.

TOGETHER WITH all the right, title and privilege to erect and maintain a reservoir on all that certain tract of land situate in the Township of Canaan, County of Wayne and State of Pennsylvania, bounded and described as follows: Beginning at a post and stones corner being the northerly corner of a tract of land in the warrantee name of Solomon Ellis; thence by lands of the Hudson Coal Company south forty four and one half degrees east one hundred thirteen and one half (113 1/2) rods to a corner of

land now or late of the estate of Isaac Plant; thence by lands of said estate south forty six degrees west seventy and nine tenths (70.9) rods to a corner of land known as the Colleton lot being the easterly corner of the parcel of land last above described; thence by said Colleton lot north forty four and one half degrees west one hundred and twelve and nine tenths (112.9) rods to the northwesterly line of a tract of land in the warrantee name of Solomon Ellis and thence by said line north forty five and one half degrees east seventy and eight tenths (70.8) rods to the place of Beginning. Comprising what is known as the Tymons and McLane lot, and containing fifty (50) acres and thirty two (32) perches be the same more or less.

TOGETHER WITH the right to maintain said reservoir upon said lot to any height it may desire and to overflow said lots or any part thereof without any restriction and to draw take and use the water from said reservoir at its discretion and for this purpose to form, construct, enlarge, repair, rebuild, maintain, and use at its discretion all and singular such devices, fixtures, appliances, and appendages for taking and using said water, as it, its agents or engineers may at any time deem expedient, and also the unrestricted right to raise the dam across the outlet of said reservoir to any height it may desire and for this purpose to take and use all and singular such materials from said described lot as it, its agents or engineers may deem needful or convenient, and also the right as aforesaid for all purposes connected with the use and enlargement of said dam the unrestricted right of ingress and egress to upon and from the said lots for itself and its employees with teams and implements of labor. Being all the rights reserved by the President, Managers, and Company of the Delaware and Hudson Canal Company in its deed of June 29, 1869, to Frances Wolcott and recorded in the office for the recording of deeds in and for Wayne County in Deed Book No. thirty eight (38) page four hundred and eight seven (487) as by reference thereto will more fully appear.

BEING the same parcels, respectively, of the same premises, which The Delaware and Hudson Company (Formerly the President, Managers, and Company of The Delaware and Hudson Canal Company), by indenture, dated May 27, 1912 and recorded in Wayne County, Deed Book Volume 105 at Page 457, remised, released and quit-claimed to the Commonwealth of Pennsylvania, GRANTOR herein.

EXCEPTING AND RESERVING from and out of the above described parcels of land so much thereof as is used or occupied by public highways.

TRACT FOUR (Consisting of two parcels)

ALL those certain pieces, parcels or tracts of land lying, situate and being in the Township of Canaan, County of Wayne and Commonwealth of Pennsylvania, bounded and described as follows, to wit:

THE FIRST PARCEL THEREOF, BEGINNING at a corner on the northerly margin of the main public highway leading from Honesdale to Carbondale in the division line between lands formerly of George G. Gill and lands of Ray W. Hull, said corner being the northeasterly corner of the

said Gill lands; thence north eleven degrees west twelve hundred seventy and five tenths feet to a stake corner in line of the said Gill lands; thence north eighty degrees east ten hundred six and five tenths feet along said Gill lands and lands of B.F. Long to a concrete post corner; thence north thirty degrees east seven hundred and fifty nine feet to a concrete post corner; thence south twenty three degrees and thirty minutes east nineteen hundred and thirty one feet to a corner in a stone wall; thence south two degrees east by lands of B.F. Long and the Waymart Water Company one hundred and sixty four feet to a post and stones corner in line of lands of Eliza R. Shaffer; thence south eighty degrees and thirty minutes west along said Shaffer lands five hundred and seventy two feet to a post corner; thence north eighteen degrees and thirty minutes west five hundred and fourteen feet to a post corner; thence south seventy nine degrees west three hundred and six feet to a post corner; thence south nineteen degrees and fifteen minutes east two hundred and eighty feet to a post corner; thence south eighty two degrees east one hundred and forty seven feet to a post corner; thence south nineteen degrees and fifteen minutes east one hundred and forty nine feet to a corner; thence south forty four degrees east fifty one feet to a maple tree for a corner in line of lands of Eva M. Palmer; thence south eighty two degrees and thirty minutes west along said Palmer lands one hundred and thirty nine feet to a corner; thence south no degrees and forty five minutes west one hundred and fourteen feet to a corner in line of lands of Harold A. Reed; thence north eighty seven degrees and thirty minutes west two hundred and ten feet to a corner; thence south one degree east two hundred and eight feet to the northerly margin of the said main public highway between Honesdale and Carbondale; thence along the said public highway in a general westerly direction ten hundred and fifty feet to the place of Beginning. Containing approximately sixty acres of land. Being a part of the same land which Joseph Fellows conveyed to John Shaffer by deed dated September 23, 1828 and recorded in Wayne County Deed Book No. 11, page 151, etc. And which Alexander McMillan et al., by assignment dated February 26, 1876, conveyed to John Shaffer, Jr. as recorded in Deed Book No. 48, page 143, etc. And being a part of the same land that Mary Clark, Amy Shaffer and Carrie E. Betz, sole heirs of John Shaffer, conveyed to Ray W. Hull by deed dated January 21, 1903, and recorded in Deed Book No. 90, page 423, etc. And being a part of the same land that Ray W. Hull, by his last will and testament dated April 1, 1916, and recorded in the Register's Office of Wayne County willed and bequeathed to Bertha E. Hull. And being the same land which Bertha E. Hull by her deed dated October 18, 1921, and recorded in Wayne County in Deed Book No. 117, page 152, granted and conveyed to William M. Lynch.

THE SECOND PARCEL THEREOF, being all that other certain lot or parcel of land situate in the said Township of Canaan, County of Wayne, and State of Pennsylvania.

BEGINNING at a corner on the northerly margin of the said main public highway leading from Honesdale to Carbondale; said corner being the southeasterly corner of lands formerly of George G. Gill, and being in the division line between said Gill's lands and lands formerly of Ray W. Hull; thence north eleven degrees west twelve hundred seventy and five tenths feet to a post corner; thence north eighty degrees east three hundred thirteen and five tenths feet to an iron pin for a corner in line of lands of B.F. Long, formerly the Patterson Estate; thence along lands of said Long north forty four degrees and thirty minutes west nine hundred and ninety feet to an iron pin for a corner in line of lands of the R. Manville Estate; thence south forty five degrees and thirty minutes west along said Manville lands nine hundred and ninety feet to a concrete post for a corner in line of lands of the Commonwealth of Pennsylvania; thence along said lands south nine degrees and fifteen minutes east five hundred forty seven and eight tenths feet to a corner in line of lands now or formerly of H.D. Burleigh; thence along said Burleigh lands south twenty eight degrees and thirty minutes east five hundred eighty two and seventy five one hundredths feet to a corner in line of lands of Frank P. Woodward; thence along said Woodward's line north sixty one degrees and thirty minutes east one hundred and thirty two feet to a corner; thence still along Woodward's lands south twenty eight degrees and thirty minutes east three hundred and thirty feet to a corner in the northerly margin of the said main public highway between Honesdale and Carbondale, and thence along said public highway the following courses and distances namely: North sixty one degrees and thirty minutes east, one hundred seventy eight and five tenths feet; north sixty seven degrees east one hundred ninety eight feet and south eighty degrees east two hundred ninety seven feet to the place of Beginning. Containing about fifty acres of land, be the same more or less.

THE TWO PARCELS OF LAND ABOVE described join each other along the line north eleven degrees west twelve hundred seventy and five tenths feet, and along the line north eighty degrees east for a distance of three hundred thirteen and five tenths feet. The second parcel of land being a part of the same parcel of land which S.A. McMullen etux, by deed dated August 1, 1917. And recorded in Wayne County in Deed Book No. 109, page 521, etc., granted and conveyed to George W. Gill; and which the said George W. Gill, by his last will and testament dated November 1, 1918, and recorded in Wayne County in Will book No. 11, page 242, devised to his wife Nettie K. Gill; and a part of the same land which the said Nettie K. Gill, widow, by her deed dated September 14, 1921, and recorded in Wayne County in Deed Book No. 116, page 534, granted and conveyed to the said William M. Lynch.

BEING the same parcels, respectively, of the same premises, which William M. Lynch and Jessie A. Lynch, his wife, by deed, dated May 29, 1925 and recorded in Wayne County Deed Book Volume 124 at Page 216,

granted and conveyed to The Commonwealth of Pennsylvania, Grantor herein.

EXCEPTING AND RESERVING, unto the GRANTOR herein, its successors and assigns, all lands of Tract Four, which are located southerly of the center of the right of way of ROUTE 6/STATE ROUTE 0006.

TRACT FIVE (Consisting of two parcels)

ALL that certain piece, parcel or tract of land lying, situate and being in the Township of Canaan, County of Wayne and Commonwealth of Pennsylvania, bounded and described as follows, to wit:

THE FIRST PARCEL THEREOF, being a said narrow strip of land BEGINNING at the division line between lands conveyed to The Delaware and Hudson Railroad Corporation, and/or predecessor by Charles H. Ball, by deed dated May 3, 1900, and recorded in Wayne County Deed Book No. 86, page 411, and lands conveyed by Charles M. Betz, by deed dated September 26, 1899, and recorded in Wayne County Deed Book No. 85, page 416; thence continuing in a general westerly direction, including a parcel of land of the average minimum width of two hundred (200) feet, a distance of approximately four thousand five hundred twelve (4,512) feet, measured along the center line of the right of way of said railroad to a point in the line between the Henry Ellis and Solomon Ellis warrants, and marked by a cut stone corner at the line intersection of the warrant lines of the Henry Ellis and Solomon Ellis warrants.

BEING a portion of the land conveyed to The Delaware and Hudson Railroad Corporation, and/or its predecessors, by deed from Charles M. Betz, Guardian, by deed dated September 26, 1899, and recorded in Wayne County Deed Book No. 85, page 416.

AND BEING the "fifty-six" parcel in the aforesaid deed from The Delaware and Hudson Railroad Corporation to Rice Coal Company and also being a portion of the lands as conveyed by Lucy Rogers by deed dated March 31, 1857, and recorded in Wayne County Deed Book No. 25, page 52, and a portion of the land conveyed by Mary E. Rogers by deed dated April 7, 1859, and recorded in Wayne County Deed Book No. 26, page 374, this portion being parcel "fifty-seventh" in the aforesaid deed from The Delaware and Hudson Railroad Corporation to Rice Coal Company. Also being a portion of the land conveyed to The Delaware and Hudson Railroad Corporation and/or its predecessors by deed of Gilbert M. Lee, etux, dated July 7, 1837 and recorded in Wayne County Deed Book No. 10 Page 216, and is the "fifty-eight" parcel in the aforesaid deed to Rice Coal Company, and also the property conveyed to The Delaware and Hudson Railroad Corporation, and/or its predecessors by deed of George H. Foster, etux, dated December 11, 1899, and recorded in Wayne County Deed Book No. 86, page 22. Being the "fifty-ninth" parcel in the deed from The Delaware and Hudson Railroad Corporation to Rice Coal Company.

EXCEPTING AND RESERVING, unto the GRANTOR herein, its successors and assigns, all lands of Tract Five, which are located southerly of the center of the right of way of ROUTE 6/STATE ROUTE 0006.

THE SECOND PARCEL THEREOF, being all that certain piece, parcel or tract of land lying, situate and being in the Township of Canaan, County of Wayne and Commonwealth of Pennsylvania, bounded and described as follows, to wit:

A STRIP OF LAND approximately one hundred (100) feet in width, being the former right of way, and approximately twelve hundred eight (1,208) feet in length, measured along the center line of the right of way of said railroad, being bounded on the east by lands heretofore conveyed to The Delaware and Hudson Railroad Corporation and/or its predecessors, by George O'Leary et ux., by deed dated February 15, 1900, and recorded in Wayne County Deed Book No. 86, page 118, with said property of George O'Leary has subsequently been conveyed to Rice Coal Company in the aforesaid deed, and is designated as parcel "sixty-first" therein, which said strip of land is bounded on the west by lands heretofore conveyed to The Delaware and Hudson Railroad Corporation, and or its predecessors in title by L.H. Alden et ux., by deed dated May 25, 1869, and recorded in Wayne County Deed Book No.36, page 324, which said Alden property is now owned by Rice Coal Company and was conveyed to it as parcel "sixty-third" in the aforesaid deed from The Delaware and Hudson Railroad Corporation to Rice Coal Company.

BEING part of the same premises, which Rice Coal Company, a Pennsylvania corporation, by indenture, dated July 7, 1942 and recorded in Wayne County Deed Book Volume 150 at Page 516, granted and released to the Commonwealth of Pennsylvania, Grantor herein.

TRACT SIX (Consisting of four parcels)

ALL those four pieces, parcels, tracts, or lots of land situated in the Township of Canaan, in the County of Wayne and Townships of Fell and Carbondale, in the County of Lackawanna and Commonwealth of Pennsylvania, bounded and described as follows, to wit:

THE FIRST PARCEL THEREOF consisting of land partly in Canaan Township, Wayne County, partly in Fell Township and partly in Carbondale Township, Lackawanna County described as follows: BEGINNING at a point in the southeasterly side of the Milford and Owego Turnpike (now abandoned) which lies in the line which divides the warrant line between Samuel Ellis and Solomon Ellis; thence by land surveyed to Solomon Ellis north 50 degrees 18 minutes east 201.3 feet to a cut stone monument in said warrant line which marks the southwesterly corner of the Tymons and McLean lot; thence along said warrant line which forms the northwesterly boundary of said Tymons and McLean lot north 50 degrees 18 minutes east 1187.5 feet to a cut stone monument which lies in the southwesterly boundary line of the Henry Ellis warrant; thence along said southwesterly boundary line of said Henry Ellis warrant, north 38 degrees

45 minutes west 991.1 feet to a cut stone monument in said Henry Ellis boundary line; thence still along said boundary line north 38 degrees 57 minutes west 434.3 feet to a cut stone monument in said line; thence still along said Henry Ellis warrant line north 38 degrees 41 minutes west 1129.6 feet to a stake and stones corner; thence south 86 degrees 50 minutes west 24.6 feet to a corner marked by a cut stone monument in the easterly line of the G.L. Morss Estate; thence along the easterly line of said G.L. Morss Estate south 6 degrees 7 minutes west 2443.2 feet along an old stone wall to a corner in a stone wall on the northerly side of the aforementioned Milford and Owego Turnpike; thence along the northerly side of said Turnpike south 61 degrees 13 minutes east 400 feet to a point which marks the northwesterly corner of the second parcel which will hereafter appear in this Deed; thence along the northerly side of the second parcel and along the southerly side of said Turnpike south 61 degrees 13 minutes east 532 feet to the place of Beginning; containing 65.9 acres of land, be the same more or less.

THE SECOND PARCEL THEROF consisting of land partly in Canaan Township, Wayne County and partly in Carbondale Township, Lackawanna County, described as follows: BEGINNING on the southerly side of the old Milford and Owego Turnpike in the division line between the Samuel Ellis warrant and the Solomon Ellis Warrant, which point is also in the westerly line of the "Colloton Lot"; thence along the westerly line of said Solomon Ellis warrant and along a stone wall built thereon south 50 degrees 38 minutes west 315 feet to a point; south 52 degrees 12 minutes west 337 feet to a point, and south 53 degrees 0 minutes west 348 feet to a built up stones corner at the southwesterly corner of the "Colloton Lot"; thence still along the westerly line of said Solomon Ellis warrant south 50 degrees 13 minutes west 1640 feet to an established stones corner; thence north 38 degrees 42 minutes west 495 feet to an established stones corner; thence along an old wire fence and an old stone wall north 50 degrees 57 minutes east 2,436 feet to a point in the southerly side of the aforementioned Milford and Owego Turnpike; thence along the southerly side of said Turnpike south 61 degrees 13 minutes east 532 feet to the place of Beginning. Containing 29.82 acres of land, be the same more or less.

THE THIRD PARCEL THEREOF consisting of land in the Township of Canaan, and County of Wayne, Pennsylvania, described as follows: BEGINNING at a point at the easterly edge of a conglomerate table rock quarry said point being situated on a course of south 38 degrees 42 minutes east 468 feet from the southwesterly corner of the "Colloton Lot" thence along the southerly side of said "Colloton Lot" south 38 degrees 42 minutes east 647.5 feet to the northerly right of way line of the old Delaware and Hudson Company's Light Tract; thence along the northerly right of way line of said tract south 28 degrees 53 minutes west 491 feet to a concrete right of way monument of said Railroad; thence south 59 degrees 12 minutes east 7.4 feet to a concrete monument which is situated 33 feet

distant northwesterly from the center line of said Railroad Tracks (abandoned); thence along said right of way parallel with and situated 33 feet distant northwesterly from said center line of track the following courses and distances south 30 degrees 15 minutes west 201.9 feet to a point, south 43 degrees 19 minutes west 102.3 feet to a point, and south 52 degrees 29 minutes west 148.2 feet to a point in the division line between Wayne and Lackawanna Counties; thence along the Wayne-Lackawanna County line north 5 degrees 53 minutes east 1279.8 feet to the place of Beginning. Containing 7.5 acres of land be the same more or less.

EXCEPTING AND RESERVING therefrom a parcel of land n/l owned by the Rice Coal Company described as follows:

BEGINNING at a point in the northerly right of way line of The Delaware and Hudson Company's Light Track situated distant northwesterly 33 feet from the center line of said Railroad Track (now abandoned); thence south 30 degrees 15 minutes west 201.9 feet to a point south 43 degrees 19 minutes west 102.3 feet to a point and south 52 degrees 29 minutes west 148.2 feet to a point situated in the division line between Wayne and Lackawanna County; thence along the Wayne-Lackawanna County line north 5 degrees 53 minutes east 105.8 feet to a point which is situated distant 40 feet at right angles from the center line of the old Standard Gauge Steam Railroad; thence along the northerly right of way line of said Steam Railroad being distant 40 feet Northerly and parallel therewith the following courses and distance, north 65 degrees 56 minutes east 68.9 feet; north 54 degrees 50 minutes east 109.6 feet; north 45 degrees 28 minutes east 96.1 feet and north 32 degrees 50 minutes east 93 feet to a concrete monument situated about 40 feet from the center line of the aforementioned Railroad; thence south 59 degrees 12 minutes east 7.4 feet to the place of Beginning. Containing 0.34 acres of land be the same more or less.

THE FOURTH PARCEL THEREOF consisting of land in the Township of Canaan, and County of Wayne, Pennsylvania, described as follows: BEGINNING at a cut stone corner in the southwesterly boundary line of the Henry Ellis warrant, said corner is also situated at a point where the Samuel Ellis warrant and Solomon Ellis warrant lines intersects that of the Henry Ellis warrant; thence along the Henry Ellis warrant line south 38 degrees 42 minutes east 1883.2 feet to a well established old stones corner being the northwesterly corner of the Isaac Plant Lot and now owned by The Delaware and Hudson Canal Company; thence along said Isaac Plant Lot and along an old stone wall south 51 degrees 27 minutes west 1169.3 feet to a cut stone corner marking the northeasterly corner of the "Colloton Lot"; thence along the northeasterly line of said "Colloton Lot" thence along the northeasterly line of said "Colloton Lot" and crossing the southerly portion of No.7, Pond north 39 degrees 17 minutes west 1860.2 feet to a cut stone monument in the warrant line between Samuel Ellis warrant and Solomon Ellis warrant; thence along said warrant line north 50 degrees 18 minutes

east 1187.5 feet to the place of Beginning. Containing 50.63 acres of land, be the same more or less.

BEING the same parcels, respectively, of the same premises, which William Francis Wolcott and Bessie C. Wolcott, his wife, and Ira B. Rutherford and Gertrude H. Rutherford, his wife, by indenture, dated October 10, 1951 and recorded in Wayne County Deed Book Volume 179 at Page 499, granted and released to the Commonwealth of Pennsylvania, Grantor herein.

(c) Water utility easement.—The water utility easement to be conveyed pursuant to this section consists of approximately 3 acres of land described according to a metes and bounds centerline description prepared by Alfred K. Bucconear, Registered Professional Land Surveyor, and more particularly described as follows:

A center line commencing at the WATERLINE @ C/L, said point being the POINT OF BEGINNING; thence N 67 degrees 58 minutes 44 seconds W, a distance of 304.82 feet; thence N 68 degrees 32 minutes 54 seconds W, a distance of 162.62 feet; thence N 69 degrees 06 minutes 29 seconds W, a distance of 250.30 feet; thence N 67 degrees 54 minutes 37 seconds W, a distance of 137.65 feet; thence N 69 degrees 04 minutes 08 seconds W, a distance of 128.40 feet; thence N 67 degrees 52 minutes 59 seconds W, a distance of 144.65 feet; thence N 68 degrees 41 minutes 17 seconds W, a distance of 464.81 feet; thence N 64 degrees 30 minutes 34 seconds W, a distance of 47.02 feet; thence N 51 degrees 36 minutes 45 seconds W, a distance of 29.09 feet; thence N 31 degrees 12 minutes 58 seconds W, a distance of 25.90 feet; thence N 21 degrees 27 minutes 04 seconds W, a distance of 86.46 feet; thence N 20 degrees 37 minutes 09 seconds W, a distance of 134.01 feet; thence N 19 degrees 36 minutes 44 seconds W, a distance of 96.82 feet; thence N 16 degrees 55 minutes 13 seconds W, a distance of 62.30 feet; thence N 12 degrees 31 minutes 15 seconds W, a distance of 41.75 feet; thence N 06 degrees 00 minutes 09 seconds W, a distance of 49.29 feet; thence N 02 degrees 57 minutes 11 seconds E, a distance of 41.92 feet; thence N 09 degrees 17 minutes 39 seconds E, a distance of 38.51 feet; thence N 10 degrees 04 minutes 02 seconds E, a distance of 56.80 feet; thence N 11 degrees 22 minutes 59 seconds E, a distance of 115.75 feet; thence N 00 degrees 47 minutes 04 seconds E, a distance of 69.47 feet; thence N 08 degrees 59 minutes 25 seconds W, a distance of 64.41 feet; thence N 53 degrees 53 minutes 45 seconds W, a distance of 55.63 feet; thence N 57 degrees 54 minutes 19 seconds W, a distance of 35.41 feet; thence N 61 degrees 25 minutes 32 seconds W, a distance of 34.61 feet; thence N 63 degrees 08 minutes 43 seconds W, a distance of 45.47 feet; thence N 73 degrees 58 minutes 07 seconds W, a distance of 53.96 feet; thence N 84 degrees 19 minutes 04 seconds W, a distance of 67.71 feet; N 88 degrees 47 minutes 01 second W, a distance of 57.62 feet; thence N 89 degrees 45 minutes 20 seconds W, a distance of 105.03 feet; thence 88 degrees 57 minutes 12 seconds W, a distance of

147.71 feet; thence 89 degrees 44 minutes 42 seconds W, a distance of 42.69 feet; thence N 78 degrees 29 minutes 22 seconds W, a distance of 293.49 feet; thence S 89 degrees 24 minutes 49 seconds W, a distance of 158.70 feet; thence S 87 degrees 45 minutes 54 seconds W, a distance of 106.48 feet; thence N 89 degrees 24 minutes 25 seconds W, a distance of 119.83 feet; thence N 81 degrees 23 minutes 05 seconds W, a distance of 66.08 feet; thence N 79 degrees 31 minutes 39 seconds W, a distance of 76.12 feet; thence N 72 degrees 18 minutes 15 seconds W, a distance of 73.70 feet; thence N 71 degrees 05 minutes 29 seconds W, a distance of 251.05 feet; thence N 64 degrees 19 minutes 14 seconds W, a distance of 131.97 feet; thence N 52 degrees 55 minutes 18 seconds W, a distance of 32.11 feet; thence N 49 degrees 47 minutes 22 seconds W, a distance of 37.45 feet; thence N 45 degrees 04 minutes 27 seconds W, a distance of 194.66 feet; thence S 88 degrees 12 minutes 46 seconds W, a distance of 174.58 feet; thence N 65 degrees 26 minutes 45 seconds W, a distance of 161.09 feet; thence N 66 degrees 34 minutes 46 seconds W, a distance of 259.68 feet; thence N 69 degrees 29 minutes 27 seconds W, a distance of 102.10 feet; thence N 67 degrees 50 minutes 25 seconds W, a distance of 81.83 feet; thence N 62 degrees 58 minutes 23 seconds W, a distance of 61.90 feet; thence N 53 degrees 27 minutes 53 seconds W, a distance of 58.71 feet; thence N 39 degrees 55 minutes 19 seconds W, a distance of 106.99 feet; thence N 37 degrees 18 minutes 39 seconds W, a distance of 186.81 feet; thence N 37 degrees 28 minutes 40 seconds W, a distance of 89.60 feet; thence N 16 degrees 14 minutes 14 seconds W, a distance of 12.53 feet; thence N 28 degrees 40 minutes 54 seconds E, a distance of 19.17 feet to the POINT OF ENDING.

(d) Conditions.—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. The deed of conveyance shall contain the following covenant:

Under and subject to a condition that a portion of the lands herein conveyed shall contain a restriction stating that any area within 500 feet of the shoreline or the normal pool elevation of Carbondale Reservoir No.4 (as defined by the crest of the spillway elevation at the date of conveyance) shall remain open and that no development can occur on that portion of the property.

(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 this conveyance is not executed by January 1, 2007, the property may be disposed of in accordance with Article 2406-A of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929.

Section 4. Effective date.

This act shall take effect immediately.

APPROVED—The 2nd day of October, A.D. 2002.

MARK S. SCHWEIKER