

No. 2004-110

AN ACT

HB 2762

Authorizing and directing the Department of General Services, with the approval of the Governor and the Department of Conservation and Natural Resources, to convey to Anthony R. Domiano, Sr., and Anthony R. Domiano, Jr., a certain tract of land situate in the Borough of Archbald, Lackawanna County, in exchange for certain tracts of land; and authorizing the sale and transfer of ownership of Project 70 land located in Wharton Township, Fayette County.

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

Section 1. Conveyances in Borough of Archbald, Lackawanna County.

(a) Conveyance from the Commonwealth.—The Department of General Services, with the approval of the Governor and the Department of Conservation and Natural Resources, is hereby authorized and directed on behalf of the Commonwealth of Pennsylvania to grant and convey to Anthony R. Domiano, Sr., and Anthony R. Domiano, Jr., the following tract of land bounded and described as follows:

All that certain, piece, or plot of land situate, lying, and being in the Borough of Archbald, County of Lackawanna and Commonwealth of Pennsylvania, more fully described as follows:

Beginning at a point on the line of lands now or formerly of Maursam & Co., said point being the Southerly corner of the lands of the Commonwealth of Pennsylvania and the Westerly corner of lands herein described;

thence, along the line of lands of Anthony R. Domiano, Sr., and along the line of other lands of Domiano, North fifteen degree forty-eight minutes fifteen seconds East (N 15 degrees 48 minutes 15 seconds E) a distance of four hundred twenty feet (420 feet);

thence, through lands of the Commonwealth of Pennsylvania South seventy-four degrees eleven minutes forty-five seconds East (S 74 degrees 11 minutes 45 seconds E) a distance of two hundred thirty-eight and seventy-two hundredths feet (238.72 feet);

thence, continue through lands of the Commonwealth of Pennsylvania South five degrees eleven minutes six seconds East (S 5 degrees 11 minutes 6 seconds E) a distance of one hundred ninety-eight and ninety-three hundredths feet (198.93 feet);

thence, continue through lands of the Commonwealth of Pennsylvania South forty-eight degrees forty-two minutes twenty-three seconds East (S 48 degrees 42 minutes 23 seconds E) a distance of five hundred sixty and eighty-nine hundredths feet (560.89 feet) to a point being located along the common division line between the lands now or formerly of the Commonwealth of Pennsylvania and Maursam & Co.;

thence, along said division line, North seventy-three degrees forty-one minutes forty-nine seconds West (N 73 degrees 41 minutes 49 seconds W) a distance of eight hundred sixteen and thirty hundredths feet (816.30 feet) to the point of beginning.

Containing 183,978.18 square feet (4.22 Acres) of land, more or less.

Being a portion of that land conveyed by the Commonwealth of Pennsylvania to the General State Authority (Department of General Services) by deed dated September 24, 1962, and recorded in the Office of the Recorder of Deeds of Lackawanna County, Pennsylvania, in Deed Book 577 at Page 577.

(b) Conveyance to Commonwealth.—The conveyance authorized by subsection (a) shall be in exchange for the conveyance by Anthony R. Domiano, Sr., and Anthony R. Domiano, Jr., to the Commonwealth of Pennsylvania of all those certain tracts of land bounded and described as follows:

Tract No. 1:

All that certain, piece, or plot of land situate, lying, and being in the Borough of Archbald, County of Lackawanna and Commonwealth of Pennsylvania, more fully described as follows:

Beginning at a point marked with an iron pin, said point being located along the common division line between Anthony R. Domiano, Sr. and the Commonwealth of Pennsylvania a distance of one thousand sixty-nine and sixty-four hundredths feet Northwesterly from the right-of-way of Pennsylvania SR No.1023 (Eynon-Jermyn Road);

thence, along said Domiano/Commonwealth of Pennsylvania division line, North seventy-three degrees forty-one minutes forty-nine seconds West (N 73 degrees 41 minutes 49 seconds W) a distance of two thousand three hundred and ninety feet (2,390 feet);

thence, at a right angle to said Domiano/Commonwealth of Pennsylvania division line, North sixteen degrees eighteen minutes eleven seconds East (N 16 degrees 18 minutes 11 seconds E) a distance of seventy feet (70 feet);

thence, at a right angle, parallel to said Domiano/Commonwealth of Pennsylvania division line, South seventy-three degrees forty-one minutes forty-nine seconds East (S 73 degrees 41 minutes 49 seconds E) a distance of two thousand three hundred and ninety feet (2,390 feet);

thence, at a right angle, South sixteen degrees eighteen minutes eleven seconds West (S 16 degrees 18 minutes 11 seconds W) a distance of seventy feet (70 feet) to the point of beginning.

Containing 167,300 square feet (3.04 Acres) of land, more or less.

Being a portion of that land conveyed by Allied Ventures, Inc. to Anthony R. Domiano, Sr. and Anthony R. Domiano, Jr. by deed dated February 10, 1997, and recorded in the Office of the Recorder of Deeds of Lackawanna County, Pennsylvania, in Deed Book 1576 at Page 65.

Tract No. 2:

All that certain, piece, or plot of land situate, lying, and being in the Borough of Archbald, County of Lackawanna and Commonwealth of Pennsylvania, more fully described as follows:

Beginning at a point marked with an iron pin, said point being located South seventy-four degrees twenty minutes East (S 74 degrees 20 minutes E) a distance of one hundred fifty two and thirty-seven hundredths feet (152.37 feet) from the Southwesterly corner of lands of the Commonwealth of Pennsylvania along a one hundred feet (100 feet) right-of-way of Pennsylvania SR No. 6006 (Scranton-Carbondale Highway);

thence, along Commonwealth of Pennsylvania lands North fifteen degrees forty-eight minutes fifteen seconds East (N 15 degrees 48 minutes 15 seconds E) three hundred fourteen and sixty-three hundredths feet (314.63 feet) to a point marked with an iron pin;

thence, continue by same, South forty-three degrees eleven minutes fifty seconds East (S 43 degrees 11 minutes 50 seconds E) fifty-eight and thirty-three hundredths feet (58.33 feet) to a point marked with an iron pin;

thence, continue by same, South fifteen degrees forty-eight minutes fifteen seconds West (S 15 degrees 48 minutes 15 W) three hundred seventeen and eighty-two hundredths feet (317.82 feet) to a common corner of lands now or formerly of Romar, Inc., at the line of aforementioned Commonwealth of Pennsylvania lands;

thence, along said Romar lands, North seventy-four degrees eleven minutes forty-five seconds West (N 74 degrees 11 minutes 45 seconds W) fifty feet (50 feet) to a point at the line of lands now or formerly of Romar, Inc.;

thence North fifteen degrees forty-eight minutes fifteen seconds East (N 15 degrees 48 minutes 15 seconds E) a distance of thirty-three and twenty-three hundredths feet (33.23 feet) to the point of beginning.

Containing 16,641.79 square feet (.38 Acres) of land, more or less.

Being a portion of that land conveyed by Allied Ventures, Inc. to Anthony R. Domiano, Sr. and Anthony R. Domiano, Jr. by deed dated February 10, 1997, and recorded in the Office of the Recorder of Deeds of Lackawanna County, Pennsylvania, in Deed Book 1576 at Page 65.

(c) Conditions.—Conveyance of the land described in subsection (a) shall be made under and subject to all easements, servitudes and rights of others, including, but not confined to, streets, roadways and rights of telephone, telegraph, water or electric or tenancies vested in third persons, whether or not appearing of record, for any portion of the land or improvements erected thereon.

(d) Deed of conveyance.—The deed of conveyance of the property described in subsection (a) 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.—The parties to the transaction shall bear their respective costs. Section 2. Wharton Township, Fayette County.

(a) Authorization.—Pursuant to the requirements of section 20(b) of the act of June 22, 1964 (Sp.Sess., P.L.131, No.8), known as the Project 70 Land Acquisition and Borrowing Act, the General Assembly hereby authorizes the sale and transfer of title for the Project 70 lands owned by Fayette County which are more particularly described in subsection (c) for a consideration of \$190,500, which sum represents the fair market value of the property as determined by an appraisal.

(b) Project 70 restrictions.—The lands described in subsection (c) shall be transferred with all existing restrictions currently imposed by the Project 70 Land Acquisition and Borrowing Act upon conveyance of said lands to Woodlands Zoo, Inc.

(c) Property description.—The parcels of land to be sold with existing Project 70 restrictions are situated in Wharton Township, Fayette County, Pennsylvania, and more particularly bounded and described as follows:

TRACT ONE: BEGINNING at a point on the center line of Route 40 known as the National Highway, at a corner of land owned by Estella A. Craig; thence along Craig land, South 57 degrees 16 minutes 50 seconds West, 303.50 feet to a point; thence along same South 13 degrees 6 minutes 50 seconds West, 310.95 feet to a point; thence along same South 9 degrees 43 minutes 30 seconds East, 316.60 feet to a point corner of land of Alvin R. Sowers; thence along Sowers land South 45 degrees 15 minutes 30 seconds West, 1826.41 feet to a point; thence by same South 63 degrees 58 minutes 50 seconds West, 952.24 feet to a point; thence by same South 39 degrees 5 minutes 40 seconds West, 276.49 feet to a point thence by same South 59 degrees 50 minutes 10 seconds West, 71.05 feet to a point; thence by same South 67 degrees 44 minutes 10 seconds West, 141.29 feet to a point; thence by same South 71 degrees 29 minutes 50 seconds West, 216.90 feet to a point; thence by same South 4 degrees 26 minutes 50 seconds West, 829.39 feet to a point corner of Fort Necessity Park; thence by same South 54 degrees 22 minutes West, 192.29 feet to a point in line of land of Katherine Zimmerli; thence by said line North 18 degrees 58 minutes 20 seconds West, 1319.38 feet to a point; thence by same North 8 degrees 45 minutes East, 1089 feet to a point; thence by same North 66 degrees 45 minutes East, 1359.61 feet to a point; thence by same North 21 degrees 30 minutes East, 1155 feet to line of lands of C.H. Sherry; thence by Sherry land South 69 degrees 5 minutes 20 seconds East, 1283.20 feet to a point in line of land of Asa O. Stimmel; thence by Stimmel North 52 degrees 55 minutes 40 seconds East, 682.14 feet to point in aforesaid National Highway: thence in said Highway South 34 degrees 55 minutes 20 seconds East, 115 feet to a point, the place of beginning.

Containing 122.8175 acres.

EXCEPTING AND RESERVING therefrom a parcel of land containing 6.1 acres which was condemned by the Commonwealth of Pennsylvania by Declaration of Taking dated October 17, 1977, filed in the Court of Common Pleas of Fayette County, Pennsylvania, at No. 523 September Term, 1977

(subsequently conveyed by the Commonwealth to the County of Fayette by Deed dated March 20, 2001, as recorded in the Office of the Recorder of Deeds of Fayette County, Pennsylvania, in Record Book 2724, page 191).

BEING the remainder of the tract of land conveyed to the County of Fayette by deed of Earl G. Hager, Sr. and Ida M. Hager, his wife, dated April 21, 1967, and recorded in the Recorder's Office of Fayette County, Pennsylvania, in Deed Book 1041, Page 017.

TRACT TWO: BEGINNING at a point in the center of U.S. Route 40 at corner common to premises of the County of Fayette, formerly Earl G. Hager and premises of Asa O. Stimmel, et ux., of which the premises herein described is part; thence South 52 degrees 55 minutes 40 seconds West 682.14 feet along said premises of the County of Fayette, formerly of Hager, to a point; thence North 69 degrees 5 minutes 20 seconds West 294.67 feet along same to a point; thence North 52 degrees 55 minutes 40 seconds East 797.71 feet through premises of Asa O. Stimmel, et ux., of which the premises herein described is a part to a point; thence North 30 degrees 34 minutes 38 seconds West 65.83 feet through same to a point; thence North 9 degrees 16 minutes 44 seconds West 27.72 feet through same to a point; thence North 52 degrees 55 minutes 40 seconds East 33.02 feet through same to the center of the aforesaid State Highway Route 40; thence South 34 degrees 55 minutes 20 seconds East 340 feet along the aforesaid State Highway Route 40 to the place of beginning, containing an area of 4.4122 acres. A plot of this parcel is of record in Fayette County Plan Book 11, page 19.

BEING the same tract of land conveyed to the County of Fayette by Deed of Asa O. Stimmel and Lelia H. Stimmel, his wife, dated March 28, 1972, and recorded in the Recorder's Office of Fayette County, Pennsylvania, in Deed Book Volume 1124, Page 1064.

(d) Existing restrictions.—The following restrictions shall remain in the deeds for the land described in subsection (c):

This indenture is given to provide land for recreation, conservation and historical purposes, as said purposes are defined in the "Project 70 Land Acquisition and Borrowing Act," approved June 22, 1964, P.L.131.

(e) Funds.—The \$190,500 consideration from the sale of the land shall be deposited in a special account established by Fayette County for acquisition or development of parkland. Use of funds from the special account must be approved in accordance with a plan approved by the Department of Conservation and Natural Resources. Any funds remaining in the special account after five years of the effective date of this act shall be paid to the Commonwealth for deposit into the Project 70 Land Acquisition Sinking Fund.

Section 3. This act shall take effect immediately.

APPROVED—The 19th day of November, A.D. 2004.

EDWARD G. RENDELL