

No. 1988-193

AN ACT

HB 2293

Authorizing and directing the Department of General Services, with the approval of the Governor and the Department of Agriculture, to convey and confirm two tracts of land located in Penn Township, Snyder County, Pennsylvania, to Randall W. Bailey and Ellen S. Bailey, his wife, and Rick L. Bailey and Kathy A. Bailey, his wife; authorizing and directing the Department of General Services, with the approval of the Governor, to convey a tract of land located in Logan Township, Blair County, Pennsylvania, to Joseph A. Grappone, H. Zane Helsel and Augusto N. Delorme, as tenants in common; and authorizing and directing the Department of General Services, with the approval of the Governor, to convey to the Greater Wilkes-Barre Industrial Fund a tract of land situate in Plains Township, Luzerne County, Pennsylvania.

WHEREAS, The Department of General Services, in accordance with Act No.48, approved by the Governor on July 1, 1981, received bids for the sale of six properties in Penn Township, Snyder County, on October 31, 1983, and consummated said sales in February and March of 1984 by delivery of officially executed deeds which were then recorded by the respective grantees; and

WHEREAS, Two of the tracts which were sold and conveyed by the Commonwealth of Pennsylvania, particularly to Randall W. Bailey and Ellen S. Bailey, his wife, and Rick L. Bailey and Kathy A. Bailey, his wife, may be increased in size to conform to the subdivision requirements in Penn Township, Snyder County.

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

Section 1. (a) The Department of General Services, with the approval of the Governor and the Department of Agriculture, is hereby authorized and directed, on behalf of the Commonwealth of Pennsylvania, to grant and convey, for a consideration equal to one-half of the fair market value as determined by an independent appraiser selected by the Department of General Services, to Randall W. Bailey and Ellen S. Bailey, his wife, and Rick L. Bailey and Kathy A. Bailey, his wife, the following described tracts of land and the buildings erected thereon:

All those certain tracts of land both with the residence and improvements thereon, surveyed for the grantees herein, situate in Penn Township, Snyder County, Pennsylvania, bounded and described as follows:

Tract No.1

Beginning at an iron pin on the western right-of-way line of Legislative Route 54043, said pin being located 16.52 feet westward from a P.K. nail located on the center line of Legislative Route 54043, said pin also being the southeast corner of the herein described tract of land; thence along remaining land of the Commonwealth, north 79 degrees 01 minute 45 seconds west

190.40 feet to an iron pin; thence along the same north 10 degrees 18 minutes 48 seconds east 225.61 feet to an iron pin; thence along the same south 78 degrees 53 minutes 40 seconds east 114.80 feet to an iron pin; thence along the same south 69 degrees 01 minute 45 seconds east 90.55 feet to an iron pin; thence along the western right-of-way line of Legislative Route 54043, south 13 degrees 58 minutes 15 seconds west 209.89 feet to the point of beginning.

Containing 1.0062 acres, more or less.

Being part of the premises which J.F. Good, by deed dated and recorded at Middleburg, in the Snyder County Recorder's Office in Deed Book 40, Page 1, granted and conveyed unto the Commonwealth of Pennsylvania, in fee.

Tract No.2

Beginning at an iron pin on the western right-of-way line of State Route 204, said pin being located 25 feet more or less westward from the center line of State Route 204, said pin also being the northeast corner of the herein described tract of land; thence along the western right-of-way line of State Route 204 on the arc of a circle curving to the right having a radius of 1120.92 feet the arc distance of 165.87 feet (subtended by a chord of south 15 degrees 46 minutes 26 seconds east 165.74 feet) to an iron pin; thence along a designated line north of Hospital Road south 47 degrees 07 minutes 45 seconds west 115.72 feet to an iron pin and a bend in said road; thence along said road south 38 degrees 01 minute 33 seconds west 100.49 feet to an iron pin; thence along remaining land of the Commonwealth north 29 degrees 34 minutes 16 seconds west 270.13 feet to an iron pin; thence along the same north 70 degrees 40 minutes 30 seconds east 249.01 feet to the point of beginning.

Containing 1.0956 acres, more or less.

Being part of the premises which J.G. Ott, et ux, by deed dated and recorded at Middleburg in the Snyder County Recorder's Office in Deed Book 52, Page 100, granted and conveyed unto the Commonwealth of Pennsylvania, in fee.

(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 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 grantees.

Section 2. (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 grant and convey, for a consideration equal to the fair market value as determined by an independent appraiser selected by the Department of General Services, to Joseph A. Grappone, H. Zane

Helsel and Augusto N. Delerme, as tenants in common, the following tract of land and the buildings erected thereon.

All that certain tract or lot of land situate in the Township of Logan, County of Blair and Commonwealth of Pennsylvania, about two miles northwesterly of the City of Altoona, more accurately bounded and described in accordance with a survey thereof made by George S. Denithorne, Registered Professional Engineer, on August 21, 1946, as follows, to wit:

Beginning at an iron pipe the northeasterly corner of lands now or late of Laura J. Marlett, said corner being the common corner also of said Laura J. Marlett, William Shannon Estate and Benjamin Hull (tract known as "Hideway Farm"); thence along the lands now or late of William Shannon Estate north 56 degrees 26 minutes west a distance of 195.9 feet to an iron pipe; thence along lands now or late of Warren Stahl south 40 degrees 44 minutes west a distance of 265 feet to an iron pipe in a fence row; thence along the residue of land now or late of said Laura J. Marlett south 56 degrees 31 minutes east a distance of 193.75 feet to an iron pipe in a fence row; thence along land now or late of Benjamin Hull (the "Hideway Farm") north 41 degrees 12 minutes east a distance of 265 feet to an iron pipe the place of beginning.

Containing 1.175 acres, more or less, and having erected thereon a one-story building.

Together with the free and common use, right, liberty and privilege for the grantee, herein and its assigns forever, of a certain eight (8) feet wide right-of-way and of a certain fourteen (14) feet wide right-of-way across adjoining lands, as and for passageway or driveway extending from the land herein conveyed to a public highway, U.S. Route 36, more particularly described in said deed dated September 16, 1946, recorded, as aforesaid, in Deed Book, Volume 546, Page 336, and in a deed from Kate Wolfe, et ux, to Benjamin Laughlin, dated July 29, 1920, and recorded in Blair County in Deed Book 320, Page 194.

(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 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 grantees.

Section 3. (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 grant and convey to the Greater Wilkes-Barre Industrial Fund, upon the release of any option or right of repurchase purportedly held by Pennsylvania Gas and Water (PG&W) pursuant to an

agreement entered into May 1, 1969, between Pennsylvania Gas and Water and the Wilkes-Barre Industrial Fund, which option or right is disputed by the Commonwealth, for a consideration of fair market value in the amount of \$2,000,000, the following tract of land situate in Plains Township, Luzerne County, Pennsylvania, bounded and described as follows:

Beginning at a point in the northerly right-of-way line of State Highway, Legislative Route No.169 (Traffic Route No.115), leading easterly from Wilkes-Barre to Bear Creek, and in the southeasterly line of lands heretofore conveyed by the Hudson Coal Company to Michael Litchey and Tessie Litchey, his wife, by deed dated May 24, 1949, and recorded in Luzerne County Deed Book 1039, at Page 302;

Thence from said beginning point and along the southeasterly side line of said lands, now or formerly, of Michael Litchey, et ux, north 29 degrees 00 minutes east 434.00 feet, more or less, to the most northeasterly corner of said lands, said point being also in the division line between Certified Lots Numbers 15 and 16 in the Third Division of Certified Wilkes-Barre (now Plains) Township;

Thence from said point and along the northeasterly or rear line of said lands, now or formerly of Michael Litchey, et ux, the same being along the division line between Certified Lots Numbers 15 and 16 in said Third Division, north 61 degrees 00 minutes west 580.00 feet, more or less, to the southeasterly line of the Second Parcel described in deed dated January 25, 1909, from the Hudson Coal Company to the Spring Brook Water Supply Company, recorded in Luzerne County Deed Book 452, at Page 438;

Thence from said point and along the southeasterly and easterly side line of the First Parcel described in said above-mentioned deed, north 05 degrees 30 minutes east 40.00 feet, more or less, to an angle point in said line; and thence north 29 degrees 50 minutes west 145.00 feet, more or less, to a point;

Thence from said point and through lands of the Grantor herein, by a line passing through Certified Lots Numbers 15, 14, 13 and partly through Lot Number 12 in said Third Division, north 29 degrees 00 minutes east 1,700.00 feet, more or less, to a point in the southerly line of the Seventh Parcel described in deed dated January 25, 1909, from the Northern Coal and Iron Company to the Spring Brook Water Supply Company, recorded in Luzerne County Deed Book 452, at Page 434;

Thence from said point and along the southerly line of said Seventh Parcel of land, and also along the southerly line of the Sixth Parcel of land described in said deed, in a northeasterly direction 1,110.00 feet, more or less, to a point in the division line between Certified Lots Numbers 10 and 11 in said Third Division;

Thence from said point and passing through Certified Lot Number 10 in said Third Division, along the southerly side line of a 60-foot-wide strip of land centered on the present bed of what is known as the "Hill Creek and Laurel Run Canal" of the Pennsylvania Gas & Water Company about 710.00 feet, more or less, in a northeasterly direction to a point in the division line between Certified Lots Numbers 9 and 10 in said Third Division, said point being also in the southwesterly line of lands described in deed

dated February 21, 1913, from Martha B. Phelps, et al, to the Spring Brook Water Supply Company, recorded in Luzerne County Deed Book 490, at Page 222;

Thence from said point and along said division line between Certified Lots Numbers 9 and 10 in said Third Division, being also along the southwesterly line of said lands of the Spring Brook Water Supply Company, south 61 degrees 00 minutes east 2,070.00 feet, more or less, to a point in the westerly line of lands, now or formerly, of the Spring Brook Water Supply Company;

Thence from said point and along the line of said lands, the same passing through said Certified Lot Number 10, south 14 degrees 15 minutes west 546.00 feet, more or less, to a point in the division line between said Certified Lots Numbers 10 and 11, said point being also the most northwesterly corner of the Second Parcel of land described in deed dated January 25, 1909, from the Northern Coal and Iron Company to the Spring Brook Water Supply Company, recorded in Luzerne County Deed Book 452, at Page 434;

Thence from said point and along the westerly line of said Second Parcel of land, and also along the westerly line of the Third Parcel described in said deed, the same passing through Certified Lots Numbers 11 and 12, south 14 degrees 15 minutes west 1,200.00 feet, more or less, to a point in the division line between Certified Lots Numbers 12 and 13, said point being also the most northerly corner of land described in deed dated November 30, 1951, from the Hudson Coal Company to Scranton-Spring Brook Water Service Company, recorded in Luzerne County Deed Book 1140, at Page 219;

Thence from said point and in the extension southerly of the aforesaid westerly line of the Second and Third Parcel of land above mentioned, and passing through Certified Lot Number 13, south 14 degrees 15 minutes west about 580.00 feet to a corner in the division line between Certified Lots Numbers 13 and 14 in said Third Division, said corner being also in the northeasterly line of the First Parcel described in deed dated June 6, 1911, from Anna M. Oliver, et al, to Spring Brook Water Supply Company, recorded in Luzerne County Deed Book 475, at Page 489;

Thence from said point and along the line of said lands, the same being also along the division line between Certified Lots Numbers 13 and 14, north 60 degrees 40 minutes west 2,080.00 feet, more or less, to a point, said point being the most northeasterly corner of Parcel Number 5 described in deed from the Pennsylvania Gas & Water Company to The Greater Wilkes-Barre Industrial Fund, Inc., about to be recorded in the Office of the Recorder of Deeds for Luzerne County;

Thence from said point and along the easterly line of said Parcel Number 5, and also along the easterly line of Parcel Number 6 of said conveyance, the same passing through Certified Lots Numbers 14, 15 and 16, south 29 degrees 00 minutes west 1,560.00 feet, more or less, to a point in the aforesaid northerly right-of-way line of State Highway, Legislative Route No. 169, said point being more particularly fixed as being the point formed by the intersection of said Highway northerly right-of-way line with the division line between Certified Lots Numbers 16 and 17;

Thence from said point and along the northerly right-of-way line of said Highway, by a curve to the left in a northwesterly direction for an arc distance of 1,200.00 feet, more or less, to a point, the place of beginning.

Containing 200.00 acres of land, be the same more or less, and being parts of Certified Lots Numbers 10, 11, 12, 13, 14, 15 and 16 in the Third Division of Certified Wilkes-Barre (now Plains) Township.

Being part of three conveyances of land into The Greater Wilkes-Barre Industrial Fund, Inc., as follows:

The first by deed from Blue Coal Corporation dated May 1, 1969, and recorded in Luzerne County Deed Book 1666, at Page 1045; the second by deed from the Pennsylvania Gas & Water Company; and the third by deed from the Pennsylvania Power & Light Company.

Excepting and reserving coal and other minerals as the same are excepted and reserved in the prior chain of title.

(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 telephone, telegraph, water, electric, sewer, gas or pipeline companies, as well as under and subject to any interest, estates, tenancies vested in third persons, whether or not appearing of record, for any portion of the land or improvements erected thereon.

(c) The Wilkes-Barre Industrial Fund shall have the option to purchase the land herein described or any portion thereof for a period of five years from the effective date of this act. Conveyance of the lands herein authorized shall be deferred until any such purchase or purchases occur, and title shall remain with the Commonwealth of Pennsylvania, Department of General Services, until such time as the Wilkes-Barre Industrial Fund compensates the Department of General Services for said property. The Wilkes-Barre Industrial Fund may purchase all of the property included in this option in a single transaction, or may purchase all or part of the property in separate parcels. For the purchase by the Wilkes-Barre Industrial Fund, the Department of General Services shall be paid at the rate of \$10,000 per acre for all full and any partial acres included in the transaction, as measured by survey. Upon expiration of the five-year option period, the Department of General Services may offer for sale any of the property remaining in the name of and titled to the Commonwealth. Such sale shall be made in accordance with the provisions of the act of July 1, 1981 (P.L.143, No.48), entitled "An act amending the act of April 9, 1929 (P.L.177, No.175), entitled 'An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for

the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined,' providing for the fixing of fees charged by administrative agencies; further providing for public relations and budgets; further providing for the purchases of handicapped-made products and services; providing for the disposition and legislative review relating to Commonwealth surplus land and making repeals.'''

(d) The Wilkes-Barre Industrial Fund shall, within 60 days of the effective date of this act, pay to the Commonwealth of Pennsylvania, Department of General Services, the sum of \$500,000. This nonrefundable deposit shall be credited toward the purchase price of the property, if sold in a single transaction, or the purchase prices of any parcels sold in separate transactions.

(e) If, after the five-year option period, less than 5% of the property subject to this option has not been conveyed to the Wilkes-Barre Industrial Fund, the Wilkes-Barre Industrial Fund shall purchase this remaining acreage for \$10,000 per acre.

(f) The deed or deeds of conveyance shall contain the following clauses:

(1) That coal and other minerals are excepted and reserved as the same are excepted and reserved in the prior chain of title.

(2) That the property conveyed shall be used for light industrial, office and governmental purposes and if, at any time, the Wilkes-Barre Industrial Fund or a successor in title fails to use the property for the purposes contained in this section, the title shall immediately revert to and revest in the Commonwealth without any requirement of reentry or demand by the Commonwealth. Subsequent deeds between the Wilkes-Barre Industrial Fund and purchasers shall require the approval of the Board of Commissioners of Plains Township, Luzerne County.

(g) The deed or deeds 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.

(h) Costs and fees incidental to this conveyance shall be borne by the grantee. The grantee shall prepare and provide to the Commonwealth of Pennsylvania, Department of General Services, surveys and legal descriptions for inclusion in deeds of conveyance as set forth in this act.

Section 4. This act shall take effect immediately.

APPROVED—The 22nd day of December, A. D. 1988.

ROBERT P. CASEY

