

No. 2002-94

## AN ACT

SB 1368

Authorizing and directing the Department of General Services, with the approval of the Governor and the Pennsylvania Historical and Museum Commission, to acquire by settlement agreement three tracts of land in Foster Township, Luzerne County.

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

**Section 1. Land acquisition in Foster Township, Luzerne County.**

(a) Authorization.—The Department of General Services, with the approval of the Governor and the Pennsylvania Historical and Museum Commission, is hereby authorized and directed on behalf of the Commonwealth of Pennsylvania to acquire as a result of a settlement agreement the three tracts of land described in subsection (b).

(b) Property description.—The parcels to be acquired by settlement agreement pursuant to subsection (a) are the following tracts of land bounded and described as follows:

**PARCEL 1**

ALL THAT CERTAIN piece, parcel or plot of land situate in the Township of Foster, County of Luzerne and Commonwealth of Pennsylvania bounded and described as follows:

BEGINNING at the intersection point of the westerly right-of-way line of fifty (50) foot wide S.R. 2051, the Eckley/Buck Mountain Road, with the southerly line of lands of the Commonwealth of PA, (Eckley Miners Village), as recorded in Luzerne County Deed Book 1736 on Page 90:

THENCE along said westerly line of said S.R. 2051 the following three (3) courses:

1. By a curve to the right having a radius of four hundred fifty (450) feet, an arc length of one hundred seventy-two and sixty-seven hundredths (172.67) feet and a chord bearing and distance of South twenty-seven degrees, twenty-eight minutes, ten seconds West one hundred seventy-one and sixty-one hundredths (171.61) feet;

2. South thirty-eight degrees, twenty-seven minutes, forty-two seconds West one hundred twenty-four and seventy-four hundredths (124.74) feet;

3. By a curve to the left having a radius of five hundred (500) feet, an arc length of one hundred fifty-nine and thirty-eight hundredths (159.38) feet and a chord bearing and distance of South twenty-nine degrees, nineteen minutes, forty-seven seconds West one hundred fifty-eight and seventy-one hundredths (158.71) feet;

THENCE through the lands of the grantor herein South seventy-two degrees, thirty-one minutes, fifty-four seconds West two hundred fifty-six

and eighty-nine hundredths (256.89) feet to a corner of lands of said Commonwealth of PA;

THENCE along line of lands of said Commonwealth of PA the following two courses:

1. North seventeen degrees, twenty-eight minutes, six seconds West three hundred (300) feet;

2. North seventy-two degrees, thirty-one minutes, fifty-four seconds East five hundred ninety-seven and thirteen hundredths (597.13) feet to the place of beginning;

CONTAINING an area of 2.968 acres.

ALSO, BEING all of Parcel 4 of the Freya Land Company Minor Subdivision as approved by the Luzerne County Planning Commission and recorded in the Office of the Recorder of Deeds in and for Luzerne County in Map Book 126, Page 8, 9.

#### PARCEL 2

ALL THAT CERTAIN piece, parcel or plot of land situate in the Township of Foster, County of Luzerne and Commonwealth of Pennsylvania bounded and described as follows:

BEGINNING at a corner of lands of the Commonwealth of PA, (Eckley Miners Village) as recorded in Luzerne County Deed Book 1736 on Page 90. Said corner being located by the following three (3) courses along the southerly line of lands of said Commonwealth of PA from its intersection with the westerly line of S.R. 2051, the Eckley/Buck Mountain Road:

1. South seventy-two degrees, thirty-one minutes, fifty-four seconds West five hundred ninety-seven and thirteen hundredths (597.13) feet;

2. South seventeen degrees, twenty-eight minutes, six seconds East three hundred (300) feet;

3. South seventy-two degrees, thirty-one minutes, fifty-four seconds West three hundred (300) feet;

THENCE through lands of the grantor herein the following two (2) courses:

1. South seventy-two degrees, thirty-one minutes, fifty-four seconds West five hundred nine and ninety-one hundredths (509.91) feet;

2. South eighty-four degrees, thirty-seven minutes, fifty-four seconds West five hundred fifty-six and eighty-nine hundredths (556.89) feet to a corner of lands of said Commonwealth of PA:

THENCE along line of said Commonwealth of PA lands the following three (3) courses:

1. North twenty-six degrees, six minutes, fifty seconds East two hundred fifty-three and two hundredths (253.02) feet;

2. North seventy-two degrees, thirty-one minutes, fifty-four seconds East eight hundred eighty (880) feet;

3. South seventeen degrees, twenty-eight minutes, six seconds East three hundred feet to the place of beginning;

CONTAINING an area of 6.166 acres.

ALSO, BEING all of Parcel 5 of the Freya Land Company Minor Subdivision as approved by the Luzerne County Planning Commission and recorded in the Office of the Recorder of Deeds in and for Luzerne County in Map Book 126, Page 8, 9.

PARCEL 3

ALL THAT CERTAIN piece, parcel or plot of land situate in the Township of Foster, County of Luzerne and Commonwealth of Pennsylvania bounded and described as follows:

BEGINNING at a point marking the northwest corner of lands of the Commonwealth of PA, (Eckley Miners Village), as recorded, in Luzerne County Deed Book 1736 on Page 90;

THENCE along line of said Commonwealth of PA lands the following two (2) bearings and distances:

1. South seventeen degrees, twenty-eight minutes, six seconds East five hundred (500) feet;

2. South seventy-two degrees, thirty-one minutes, fifty-four seconds West two hundred forty (240) feet;

THENCE through lands of the grantor herein the following two (2) bearings and distances:

1. North seventeen degrees, twenty-eight minutes, six seconds West five hundred (500) feet;

2. North seventy-two degrees, thirty-one minutes, fifty-four seconds East two hundred forty (240) feet to the place of beginning;

CONTAINING an area of 2.755 acres.

ALSO, BEING all of Parcel 6 of the Freya Land Company Minor Subdivision as approved by the Luzerne County Planning Commission and recorded in the Office of the Recorder of Deeds in and for Luzerne County in Map Book 126, Page 8, 9.

EXCEPTING thereout and therefrom the above described parcel, that portion of the fifty (50) foot wide right-of-way of S.R. 2051, (the Eckley/Buck Mountain Road), which crosses said parcel.

(c) Easements.—The acquisition shall be made under and subject to all recordable easements, servitudes and rights of others, including, but not confined to, streets, roadways and rights of any telephone, telegraph, water, electric, cable, sewer, gas or pipeline companies, as well as under and subject to any recordable interest, 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 acquisition shall be prepared by the grantor as provided by law, subject to approval by the Department of General Services, and accepted on behalf of the Commonwealth by the Department of General Services, with the tracts of land acquired under this section to be placed under the jurisdiction and control of the Pennsylvania Historical and Museum Commission.

(e) **Costs and fees.**—Costs and fees incidental to this acquisition shall be borne by the grantee unless otherwise stipulated by previous settlement.

**Section 2. Effective date.**

This act shall take effect in 60 days.

**APPROVED**—The 29th day of June, A.D. 2002.

**MARK S. SCHWEIKER**