

No. 2002-219

AN ACT

SB 1576

Authorizing the Department of General Services, with the approval of the Governor, to grant and convey to Centre County certain lands in Benner Township, Centre County.

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

Section 1. Conveyance in Benner Township, Centre County.

(a) **Authorization.**—The Department of General Services, with the approval of the Governor, is hereby authorized on behalf of the Commonwealth of Pennsylvania to grant and convey to Centre County certain lands described in subsection (b) under terms and conditions to be established in an agreement of sale to be entered into with the Department of General Services.

(b) **Description.**—The property to be conveyed pursuant to subsection (a) consists of two parcels totaling approximately 43.84 acres in Benner Township, Centre County, Pennsylvania, bounded and described as follows:

PARCEL 1

ALL THAT CERTAIN parcel of land situated in Benner Township, Centre County, Pennsylvania, shown as LOT 1 on a plan prepared by Sweetland Engineering and Associates, Inc. entitled "4 Lot Subdivision Of Lands Of The Commonwealth Of Pennsylvania For The Centre County Correctional Facility," drawing number E-2065 dated 06/07/01, revised 02/12/02, being part of lands now or formerly the Commonwealth of Pennsylvania (SCI-Rockview), Record Book 533, Page 121, described as follows:

BEGINNING at a 3/4 inch re-bar, in the northeast corner of Lot 1;

THENCE along the western side of the lands now or formerly Gerald E. Rodgers, Ronnie L. Rodgers, And Bonnie L. Moenschbacher, Record Book 753 Page 884, Farm No.1, Tract No.1, south 47 degrees 10 minutes 10 seconds East, 681.15 feet to a 3/4 inch re-bar, a point of curvature.

THENCE along the northern side of the 50 foot right-of-way of Rishel Hill Road (T-532) the following (6) courses;

1. not tangent to the previous course, by the arc of a curve to the left, having a radius of 2025.00 feet, a central angle of 12 degrees 18 minutes 16 seconds, a chord bearing and distance of south 37 degrees 35 minutes 13 seconds west, 434.04 feet, and an arc length of 434.87 feet to a 3/4 inch re-bar, a point of tangency; **THENCE**;
2. South 31 degrees 26 minutes 05 seconds West, 16.59 feet, to a 3/4 inch re-bar, a widening point of the 50 foot right-of-way; **THENCE**;

3. South 42 degrees 44 minutes 41 seconds West, 50.99 feet to a 3/4 inch re-bar, a starting point of the 70 foot right-of-way of Rishel Hill Road; THENCE;

4. South 31 degrees 26 minutes 05 seconds West, 140.94 feet to a 3/4 inch re-bar, a point of curvature; THENCE;

5. tangent to previous course, by the arc of a curve right, having a radius of 485.87 feet, a central angle of 75 degrees 16 minutes 17 seconds, a chord bearing and distance of South 69 degrees 04 minutes 14 seconds West, 593.38 feet, and an arc length of 638.30 feet, to a 3/4 inch re-bar, a point of tangency; THENCE;

6. North 73 degrees 17 minutes 38 seconds West, 488.67 feet, to a 3/4 inch re-bar, a point of curvature;

THENCE along the eastern side of a variable width right-of-way of the Benner Pike (SR 0150) the following (3) courses;

1. not tangent to the previous course, by the arc of a curve to the left, having a radius of 6945.55 feet, a central angle of 0 degrees 51 minutes 33 seconds, a chord bearing and distance of North 07 degrees 14 minutes 33 seconds West, 104.15 feet, and an arc length of 104.15 feet, to a 3/4 inch re-bar, a point of tangency; THENCE;

2. North 06 degrees 30 minutes 36 seconds West, 405.09 feet, to a 3/4 inch re-bar, a point of curvature; THENCE;

3. tangent to the previous course, by the arc of a curve to the left, having a radius of 6965.55 feet, a central angle of 02 degrees 35 minutes 51 seconds, a chord bearing and distance of North 12 degrees 18 minutes 15 seconds West, 315.74 feet, and an arc length of 315.77 feet, to a 3/4 inch re-bar;

THENCE along the southern side of Lot 2 of the "4 Lot Subdivision Of The Lands Of The Commonwealth Of Pennsylvania For The Centre County Correctional Facility";

1. not tangent to the previous course North 77 degrees 05 minutes 54 seconds East, 1057.29 feet; to a 3/4 inch rebar to the point of BEGINNING.

CONTAINING 29.17 acres of land more or less.

UNDER AND SUBJECT, to a 60 foot wide access easement along the eastern portion of the property, as shown on the above mentioned plan.

COMMENCING at a 3/4 inch re-bar at the northeast corner of lot 1, a reference point;

THENCE along the southern side of Lot 2 of the above mentioned plan South 77 degrees 05 minutes 54 seconds West, 60.50 feet, to a point of BEGINNING;

THENCE along the interior of Lot 1 South 47 degrees 10 minutes 10 seconds East, 715.04 feet, to a point; a point of curvature;

THENCE along the northern side of the 50.00 foot wide right-of-way of Rishel Hill Road; not tangent to the previous course; by the arc of a curve to the left, having a radius of 2025.00 feet, a central angle of 01 degree 41

minutes 53 seconds, a chord bearing and distance of South 41 degrees 28 minutes 31 seconds West, 60.02 feet, and an arc length of 60.02 feet, to a point;

THENCE along the interior of Lot 1, not tangent to previous course North 47 degrees 10 minutes 10 seconds West, 756.34 feet, to a point;

THENCE along the southern side of Lot 2 of above mentioned plan North 77 degrees 05 minutes 54 seconds East, 72.60 feet, to a point, point of BEGINNING.

PARCEL 2

ALL THAT CERTAIN parcel of land situated in Benner Township, Centre County, Pennsylvania, shown as LOT 3 on a plan prepared by Sweetland Engineering and Associates, Inc. entitled "4 Lot Subdivision Of Lands Of The Commonwealth Of Pennsylvania For The Centre County Correctional Facility," drawing number E-2065 dated 06/07/01, revised 02/12/02, being part of lands now or formerly the Commonwealth of Pennsylvania (SCI-Rockview), Record Book 533, Page 121, described as follows:

BEGINNING at a 3/4 inch re-bar, in the northeast corner of Lot 3;

THENCE along the western side of a variable width right-of-way of the Benner Pike (SR 0150) the following (3) courses;

1. South 15 degrees 07 minutes 54 seconds East, 400.76 feet, to a 3/4 inch re-bar, a point of curvature, THENCE;

2. tangent to the previous course, by the arc of a curve to the right, having a radius of 6815.55 feet, a central angle of 07 degrees 19 minutes 34 seconds, a chord bearing and distance of South 11 degrees 28 minutes 07 seconds East, 870.88 feet, and an arc length of 871.47 feet, to a 3/4 inch re-bar, THENCE;

3. not tangent to the previous course, South 32 degrees 39 minutes 16 seconds West, 78.44 feet, to a 3/4 inch re-bar;

THENCE along the northern side of the 33 foot right-of-way of Paradise Road (SR 3004) the following (3) courses;

1. North 73 degrees 17 minutes 38 seconds West, 296.22 feet, to a 3/4 inch re-bar, a point of curvature, THENCE;

2. tangent to the previous course, by the arc of a curve to the right, having a radius of 583.50 feet, a central angle of 53 degrees 49 minutes 24 seconds, a chord bearing and distance of North 46 degrees 22 minutes 56 seconds West, 528.20 feet, and an arc length of 548.14 feet, to a 3/4 inch re-bar, a point of tangency, THENCE;

3. North 19 degrees 28 minutes 14 seconds West, 343.99 feet, to a 3/4 inch re-bar;

THENCE along the southern side of lands now or formerly Robert E. Campolongo, Record Book 1050 page 994, and also along the southern boundary of a 20 foot wide permanent sanitary sewer right-of-way, Record Book 1240 Page 529, North 34 degrees 09 minutes 55 seconds East, 334.57 feet to an existing iron pipe found,

THENCE along the southern side of lands now or formerly Spring-Benner-Walker-Joint Authority, Deed Book 427 Page 540, and also along the southern side of lands now or formerly Harry K. Sickler, Jr., Record Book 947 Page 879, North 54 degrees 25 minutes 12 seconds East, 439.49 feet to a 3/4 inch re-bar, the point of **BEGINNING**.

CONTAINING 14.67 acres of land more or less.

UNDER AND SUBJECT, to a required drainage easement per SR 6026 section CO3 plans, at the south east corner of the property, as shown on the above mentioned plan.

UNDER AND SUBJECT, to an 8.5 foot wide reserved right-of-way for future dedication, along Paradise Road and parallel with the boundary of Lot 3, as shown on above mentioned plan.

(c) **Easements.**—The conveyance shall be made under and subject to all lawful and enforceable easements, servitudes and rights of others, including, but not confined to, streets, roadways and rights of any telephone, telegraph, water, electric, gas or pipeline companies, as well as under and subject to any lawful and enforceable estates or tenancies vested in third persons appearing of record, for any portion of the land or improvements erected thereon.

(d) **Restrictive covenants.**—The deed of conveyance shall contain the following restrictive covenants:

(1) Under and subject to a condition that the grantee shall utilize Parcel 1 as an adult correctional facility and for no other purpose. If the grantee utilizes Parcel 1 for any other purpose or attempts to convey said parcel, it shall immediately revert to and revest in the grantor.

(2) Under and subject to a condition that the grantee, its successors or assigns shall utilize Parcel 2 as a fire-emergency services training facility and for no other purpose. If Parcel 2 is utilized by the grantee, its successors or assigns for any other purpose, it shall immediately revert to and revest in the grantor.

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

(g) **Alternative disposition.**—In the event that terms of an agreement of sale cannot be reached between the parties within 12 months of the effective date of this act, the property may be disposed of in accordance with section 2406-A of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929. If the property is disposed of pursuant to this subsection, the deed of conveyance shall not contain the restrictive covenants required in subsection (d).

Section 2. Effective date.

This act shall take effect immediately.

APPROVED—The 9th day of December, A.D. 2002.

MARK S. SCHWEIKER