

No. 2004-31

AN ACT

HB 1926

Authorizing the Department of Transportation to convey to Elkland Township a tract of land situate in Elkland Township, Sullivan County, Pennsylvania.

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

Section 1. Elkland Township, Sullivan County.

(a) Authorization and description.—The Department of Transportation, with the approval of the Governor, is hereby authorized on behalf of the Commonwealth of Pennsylvania to grant and convey to Elkland Township the following tract of land situate in Elkland Township, Sullivan County, Pennsylvania, for consideration in the amount of \$1,000:

Beginning at a point in the highway leading from Eldredsville to Muncy on the western side thereof; thence nearly west along a road leading to Canton sixteen (16) perches; then turning a square corner and running nearly south twenty (20) perches parallel to the highway; thence turning a square corner and running nearly east sixteen (16) perches to the highway; thence turning a square corner and running nearly north along the highway twenty (20) perches to the place of beginning. Containing two acres, strict measure.

(b) Easements and interests.—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 any 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) Restriction.—The deed of conveyance shall contain a clause that the property conveyed shall be used for parkland, community and related purposes by Elkland Township, and, if at any time Elkland Township or its successor in function conveys the property, fails to ensure the preservation of the historic or archaeological resources or permits the property to be used for any purpose other than those specified in this section, the title to the property shall immediately revert to and revest in the Commonwealth of Pennsylvania.

(d) Execution.—The deed of conveyance shall be approved as provided by law and shall be executed by the Secretary of Transportation in the name of the Commonwealth of Pennsylvania.

(e) Agreement of sale.—The deed of conveyance shall be made pursuant to an agreement of sale that shall contain a clause that Elkland Township releases and forever discharges the Commonwealth of Pennsylvania and any and all of its agencies, including, but not limited to, the Department of Transportation, and any and all predecessor and successor agencies and any and all Commonwealth agents, servants, employees, officers, officials and

assigns and any other persons from any causes of action, suits, judgments, damages, costs, claims, demands or consequential damages of any kind, in law or in equity, including, but not limited to, any liability arising by reason of salt contamination to the water supply on the property, which contamination Elkland Township hereby recognizes. The agreement of sale shall also contain a clause granting the Commonwealth of Pennsylvania, Department of Transportation, the right to continue occupying the property with the monitoring wells now located on the property for as long as deemed necessary by the department and a right to enter the property for purposes of monitoring the salt contamination through the existing monitoring wells. Both of these clauses shall survive the conveyance of the property.

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

Section 2. Effective date.

This act shall take effect immediately.

APPROVED—The 18th day of May, A.D. 2004.

EDWARD G. RENDELL