

No. 2008-11

AN ACT

SB 917

Authorizing and directing the Department of General Services, with the approval of the Governor, to grant and convey to CDM Ebensburg, LLC, certain lands situate in Cambria Township, Cambria County.

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

Section 1. Conveyance in Cambria Township, Cambria County.

(a) Authorization.—The Department of General Services, with the approval of the Governor, is hereby authorized on behalf of the Commonwealth to grant and convey to CDM Ebensburg, LLC, certain lands, containing a residential dwelling, situate in Cambria Township, Cambria County, for fair market value as determined by independent appraisal.

(b) Property description.—The property to be conveyed pursuant to this section consists of approximately 5.00 acres of land and all improvements thereon bounded and more particularly described as follows:

ALL that certain lot or piece of ground situate in Cambria Township, Cambria County bounded and more particularly described as follows:

BEGINNING at a point at the intersection of SR 0022 and SR 3032 on the Southerly Right-of-Way line of SR 0022 and the Easterly Right-of-Way of SR 3032. Thence the following three courses and distances:

1. North 54 degrees 02 minutes 40 seconds East for a distance of 609.00 feet along the Southerly Right-of-Way line of SR 0022 to a point on a line. Thence;
2. South 35 degrees 57 minutes 20 seconds East for a distance of 374.02 feet to a point on a line. Thence;
3. South 54 degrees 02 minutes 40 seconds West for a distance of 516.21 feet to the beginning of a point of curvature, thence along the Easterly Right-of-Way of SR 3032 the following three courses and distances:
4. By a curve turning to the left having a radius of 2286.60 feet and an arc length of 76.02 feet, and whose long chord bears North 57 degrees 07 minutes 56 seconds West for a distance of 76.02 feet to a point. Thence;
5. North 56 degrees 05 minutes 05 seconds West for a distance of 278.92 feet to the beginning of a point of curvature,
6. By a curve turning to the right having a radius of 30.00 feet and an arc length of 57.66 feet, and whose long chord bears North 01 degrees 01 minutes 11 seconds West for a distance of 49.19 feet to the point of BEGINNING.

CONTAINING 5.00-acres, more or less.

BEING a portion of the same property conveyed by the General State Authority to the Commonwealth of Pennsylvania, acting by and through the Department of General Services, by Deed dated June 16, 1989, and recorded on January 16, 1990, in the Office of the Recorder of Deeds of Cambria County, in Deed Book Volume 1230, Page 502.

(c) Conditions of conveyance.—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) Restriction.—The conveyance authorized under this section shall be made under and subject to the condition, which shall be contained in the deed of conveyance, that no portion of the property conveyed shall be used as a licensed facility, as defined in 4 Pa.C.S. § 1103 (relating to definitions), or any other similar type of facility authorized under State law. The condition shall be a covenant running with the land and shall be binding upon the grantee, its successors and assigns. Should the grantee, its successors or assigns, permit any portion of the property authorized to be conveyed in this section to be used in violation of this subsection, the title 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.

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

(g) Use of proceeds.—The proceeds from the sale authorized herein may be utilized by the Department of General Services to construct, purchase or lease a temporary or replacement residence for the superintendent for the Ebensburg Center. The Department of General Services may reimburse itself for costs and fees incurred as a result of the conveyance, including, but not limited to, appraisals, surveys and environmental reports. Any funds remaining after payment for construction, purchase or lease of a replacement residence for the superintendent and reimbursement of costs and fees to the Department of General Services shall be deposited into the General Fund.

(h) Construction contract.—Notwithstanding any other provision of law governing the letting of public contracts to the contrary, the Department of General Services may award a single contract for the construction of a new residence for the superintendent for the Ebensburg Center. Construction of the replacement residence is exempt from the requirements of the act of May 1, 1913 (P.L.155, No.104), entitled “An act regulating the letting of certain contracts for the erection, construction, and alteration of public buildings.”

(i) Alternate disposition.—In the event that this conveyance is not executed within 12 months of the effective date of this section, 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.

Section 2. Effective date.

This act shall take effect immediately.

APPROVED—The 17th day of March, A.D. 2008.

EDWARD G. RENDELL