

No. 2009-28

AN ACT

SB 817

Authorizing the Department of General Services, with the approval of the Governor, to grant and convey to East Pennsboro Township or its assigns certain lands situate in East Pennsboro Township, Cumberland County; and authorizing the Department of General Services, with the approval of the Governor, to remove and release the residential use and subdivision restrictions imposed on certain lands situate in East Pennsboro Township, Cumberland County.

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

Section 1. Conveyance to East Pennsboro Township, in East Pennsboro Township, Cumberland County, Pennsylvania.

(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 East Pennsboro Township or its assigns approximately 51.04 acres of vacant land as described in subsection (b) for \$2,000,000 and under terms and conditions to be established in an Agreement of Sale with the Department of General Services.

(b) Description.—The property to be conveyed pursuant to subsection (a) consists of approximately 51.04 acres and improvements thereon bounded and more particularly described as follows:

BEGINNING at a 5/8 rebar in the Northeasterly line of First Street S.R. 1019 (50 FEET WIDE), said point being located approximately 300 feet Northwesterly from the intersection of the Northeasterly line of First Street and the Northwesterly line of Valley Street - S.R. 1004 9(Variable Width), and said point being located approximately 934.98 feet Southeasterly along the Northeasterly line of First Street, From a metal post in concrete; Thence along the Northeasterly line of First Street, North 46 degrees, 12 minutes, 11 seconds West, a distance of 1425.30 feet to a point; Thence along Lands now or formerly of Capital Area intermediate unit, North 42 degrees, 40 minutes, 55 seconds East a distance of 787.38 Feet to a point; Thence along the same, North 62 degrees, 22 minutes, 35 seconds East, a distance of 942.77 Feet to a point; Thence along the A Line, South 57 degrees, 55 minutes, 09 Seconds East, a distance of 646.74 feet to a point; Thence along the Westerly line of United States Routes 11 and 15 SR 0011 (Variable Width), South 12 degrees, 46 minutes, 31 Seconds West, a distance of 257.32 feet to a point;

Thence along the same, South 74 degrees, 30 minutes, 33 seconds East, a distance of 28.04 feet to a point;
Thence along the same, South 11 degrees, 57 minutes, 12 seconds West, a distance of 179.34 Feet to a point;
Thence along the same, South 49 degrees, 32 minutes, 02 seconds West, a distance of 99.81 Feet to a point;
Thence along the same, South 12 degrees, 53 minutes, 05 seconds West a distance of 239.73 Feet to a point;
Thence along the same, South 76 degrees, 12 minutes, 12 seconds East, a distance of 20.05 Feet to a point;
Thence along the same, South 12 degrees, 56 minutes, 39 seconds west, a distance of 628.96 feet to a 5/8 rebar; Thence along Lands now or formerly of Kelby J. Steele and Lisa A. Steele by Deed Dated February 20, 1997 and Recorded at Cumberland County record Book 154, Page 314 and known as Cumberland County Instrument No. 1997-005734, and Being Lot #2 as shown on said Preliminary/Final Subdivision Plan, North 40 degrees, 36 minutes, 52 seconds West, a distance 55.86 feet to a 5/8 Rebar; Thence along the same, South 52 degrees, 01 minutes, 33 seconds West, a distance of 254.11 feet to a 5/8 Rebar; Thence along the same and by a curve to be right having a radius of 570.66 feet, a chord bearing South 67 degrees, 17 minutes, 03 seconds West, a chord distance of 300.36 feet, and an arc length of 303.94 feet, to a 5/8 Rebar; Thence along the same, South 37 degrees, 10 minutes, 13 seconds West, a distance of 52.03 feet to 5/8 Rebar, The Place Of Beginning.

CONTAINING 51.04-acres, more or less.

DESCRIBED PARCEL being, A portion thereof, the Lands which Manor Real Estate and Trust Company, By Deed Dated September 13, 1923, and Recorded at Cumberland County Deed Book V, volume 9, page 82, Granted and conveyed unto the Commonwealth of Pennsylvania; and

DESCRIBED PARCEL being, A portion thereof, the Lands which William A. Patterson, Single man, and Charles R. Patterson and Viola Rebecca Patterson, his Wife, by Deed Dated July 23, 1929, and Recorded at Cumberland County Deed Book 5 Volume 10, page 530 and Granted and Conveyed to the Commonwealth of Pennsylvania. Together with all improvements constructed Thereon all rights appurtenant thereto including, but not confined to, Oil Gas and minerals (INCLUDING COAL AND GRAVEL)

(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) Conditions.—Any 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 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) Special warranty 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 and fees.—Costs and fees incidental to this conveyance shall be borne by the grantee.

(g) Highway maintenance facility.—Nothing herein shall be construed to authorize the conveyance of the approximately 3.5-acre portion of the property that, as of the effective date of this section, is being utilized as a highway maintenance facility by the Department of Transportation.

(h) Nonconveyance.—In the event that an agreement of sale with the Department of General Services is not executed within 24 months of the effective date of this section, the property may be disposed of in accordance with section 2405-A of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929.

Section 2. Removal of certain restrictions imposed on certain lands in East Pennsboro Township, Cumberland 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 remove the residential use and subdivision restrictions on certain lands situate in East Pennsboro Township, Cumberland County, for \$150,000.

(b) Description.—The property that is the subject to subsection (a) consists of 2.2357 acres bounded and more particularly described as follows:

ALL THAT CERTAIN improved tract of land and residence being situate in East Pennsboro Township, Cumberland County, said tract being more particularly shown on a final plan prepared by the Department of General Services, dated May 23, 1996, and recorded in Plan Book 73, Page 64 of the Cumberland County Recorder of Deeds Office on November 6, 1996, and all the same being more fully bounded and described as follows, to wit:

BEGINNING at the North corner of Lot No. 2 at a 5/8" rebar, said corner being 935.46 feet South of the beginning of the fourth line (South 32 degrees 15 minutes East 1198.70 feet), of a deed of the Commonwealth of Pennsylvania, as recorded in the Land Records of Cumberland County in Deed Book T, Volume 20, Page 322; thence with said line and along other lands now or formerly of the Commonwealth of Pennsylvania for a new course, South 40 degrees 36 minutes 50 seconds East, a distance of 55.86 feet to a 5/8" rebar in the northern right-of-way line of U.S. Route 11/15;

thence along said right-of-way (in reference to the Department of Transportation plan, 8-0 Cumberland, Route 30, Section 13, Sheet No.18A, East Pennsboro Township) by the following four courses and distances; (1) by an Arc of Curve curving to the right, have a radius of 3,639.72 feet, an arc length of 220.92 feet to a 5/8" rebar in the right-of-way; (2) thence South 52 degrees 09 minutes 33 seconds West, a distance of 292.74 feet to a 3/4" bolt in the right-of-way; (3) thence North 69 degrees 50 minutes 46 seconds West, a distance of 180.63 feet to a 5/8" rebar in the right-of-way; (4) thence South 43 degrees, 34 minutes and 33 seconds West, a distance of 15 feet to a PK nail in the macadam curb of the 50.00 foot right-of-way of First Street (LR 21096 and SR 1019); thence along said right-of-way line North 46 degrees 25 minutes 27 seconds West, a distance of 100.00 feet to a 5/8" rebar at a corner of Lot No. 1, now or formerly of the Commonwealth of Pennsylvania; thence along said Lot No. 1, by the three following courses and distances; (1) North 37 degrees 10 minutes 13 seconds East, a distance of 52.03 feet to a 5/8" rebar; (2) thence by an Arc of a Curve curving to the left, having a radius of 570.66 feet, an arc length of 303.94 feet to a 5/8" rebar in the property line; (3) thence North 52 degrees 01 minutes 33 seconds East, a distance of 254.11 feet to a 5/8" rebar to the place of BEGINNING.

CONTAINING 2.2357-acres.

BEING the same property conveyed by the Commonwealth of Pennsylvania, through its Department of General Services, to Kelby J. Steele and Lisa A. Steele by an indenture, dated February 20, 1997, recorded at the Cumberland County Recorder of Deeds Office in Deed Book 154, Page 314.

(c) Execution of documents.—All documents necessary to effectuate the removal of the herein referenced restrictive covenants shall be executed by the Secretary of General Services in the name of the Commonwealth of Pennsylvania.

Section 3. This act shall take effect immediately.

APPROVED—The 27th day of July, A.D. 2009.

EDWARD G. RENDELL