

No. 2009-36

AN ACT

SB 862

Authorizing the Department of General Services, with the approval of the Governor, authorizing certain lands in Benner Township, Centre County to be conveyed.

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

Section 1. Conveyances in Benner Township, Centre 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 the Centre County Industrial Development Corporation certain lands, being a portion of the State Correctional Institution at Rockview, situate in Benner Township, Centre County, in exchange for Centre County Industrial Development Corporation conveying certain lands to the Commonwealth of Pennsylvania, acting by and through the Department of General Services, for the purpose of adding the same to the existing lands of the State Correctional Institution at Rockview.

(b) Description for conveyance to development corporation.—The property to be conveyed to the Centre County Industrial Development Corporation, pursuant to subsection (a), consists of 0.348 acres and any improvements thereon bounded and more particularly described as follows:

All that certain tract of land situated in Benner Township, Centre County, PA, being a Lot Addition, as shown on a plan entitled, "Lot Addition and Replot Plan, Final Plan - Benner Commerce Park Lot Addition and Replots of Lands of the Centre County Industrial Development Corporation and the Commonwealth of Pennsylvania - Replot of Lot 5BR (of Plat Book 81, Page 168) into Lot 5BRR and Lots 4A & 4B (of Plat Book 78, Page 12) into Lots 4AR & 4BR, Legal Exhibit, Blow-Up" dated February 5, 2009, by PennTerra Engineering, Inc., State College, PA, being bounded and described as follows:

Beginning at a point, lying in a southerly R/W line of Rishel Hill Road (T-532, 70'R/W) and lying in a northerly R/W line of Proposed Venture Drive (60'R/W); thence traversing through Proposed Venture Drive, S31 degrees 54'58"E, 26.86 feet to a point, lying in an easterly line of said R/W and lying in a westerly line of Lot 4AR; thence along said lot, along a curve to the left, having a chord bearing of S17 degrees 50'25"E, a chord distance of 26.48 feet, a radius of 50.00 feet and an arc length of 26.80 feet to a point; thence continuing along said lot, along a curve to the left, having a chord bearing of S37 degrees 20'53"E, a chord distance of 68.04 feet, a radius of 470.00 feet and an arc length of 68.10 feet to a point, lying in a westerly line of said lot and in an easterly R/W line of Proposed Venture Drive (60'R/W); thence

traversing through said R/W, S31 degrees 54'58"E, 146.15 feet to a point; thence continuing through said R/W, S25 degrees 53'10"E, 62.33 feet to a point, lying in a westerly line of Proposed Venture Drive and lying in an easterly line of Lot No 4BR; thence along said lot, the following bearings and distances: N47 degrees 38'06"W, 148.34 feet to an iron pin; thence along a curve to the right, having a chord bearing of N39 degrees 13'29"W, a chord distance of 155.04 feet, a radius of 530.00 feet and an arc length of 155.59 feet to an iron pin; thence along a curve to the left, having a chord bearing of N68 degrees 52'58"W, a chord distance of 61.66 feet, a radius of 50.00 feet and an arc length of 66.44 feet to an iron pin, being a northerly corner of Lot No 4BR and lying in a southerly R/W line of Rishel Hill Road (T-532, 70'R/W); thence along said R/W, along a curve to the left, having a chord bearing of N67 degrees 37'48"E, a chord distance of 104.99 feet, a radius of 555.87 feet and an arc length of 105.15 feet to a point, being the place of beginning, containing 0.348 acres.

(c) Description for conveyance to Commonwealth.—The property to be conveyed to the Commonwealth of Pennsylvania, acting by and through the Department of General Services, by the Centre County Industrial Development Corporation, pursuant to subsection (a) consists of two tracts of land totaling 0.760 acres and any improvements thereon bounded and more particularly described as follows:

Tract 1

All that certain tract of land situated in Benner Township, Centre County, PA, being a lot addition to Lot 4A, as shown on a plan entitled, "Lot Addition and Replot Plan, Final Plan - Benner Commerce Park Lot Addition and Replots of Lands of the Centre County Industrial Development Corporation and the Commonwealth of Pennsylvania - Replot of Lot 5BR (of Plat Book 81, Page 168) into Lot 5BRR and Lots 4A & 4B (of Plat Book 78, Page 12) into Lots 4AR & 4BR, Legal Exhibit, Blow-Up" dated February 5, 2009, by PennTerra Engineering, Inc., State College, PA, being bounded and described as follows:

Beginning at a point, lying in a southerly R/W line of Rishel Hill Road (T-532, 70'R/W) and lying in a northerly line of Tax Parcel 12-3-215 (Lot 4A); thence traversing through said lot, S31 degrees 54'58"E, 266.44 feet to a point; thence S37 degrees 49'20"E, 291.79 feet to a point; lying in a southerly line of said Tax Parcel and in a northerly R/W line of U.S. 0220/Future I-99 (Variable R/W); thence along said R/W, along a curve to the right, having a chord bearing of S60 degrees 16'05"W, a chord distance of 37.88 feet, a radius of 11379.16 feet and an arc length of 37.88 feet to an iron pin, lying in a northerly line of said R/W and being an easterly corner of Proposed Venture Drive (60' R/W); thence along said R/W, the following bearings and distances: N31 degrees 45'22"W, 93.01 feet to an iron pin; thence along a curve to the left, having a chord bearing of N39 degrees 41'44"W, a chord distance of 146.42 feet, a radius of 530.00 feet and an arc length of 146.89 feet to an iron pin; thence N47 degrees 38'06"W, 153.52 feet to an iron pin;

thence along a curve to the right, having a chord bearing of N44 degrees 34'01"W, a chord distance of 50.31 feet, a radius of 470.00 feet and an arc length of 50.34 feet to a point, lying in an easterly line of said R/W and in a westerly line of Lot 4A; thence traversing through Lot 4A N31 degrees 54'58"W, 93.42 feet to a point, lying in a westerly line of said lot and lying in an easterly R/W line of Proposed Venture Drive (60'R/W); thence along said R/W, along a curve to the right, having a chord bearing of N27 degrees 37'58"E, a chord distance of 50.18 feet, a radius of 50.00 feet and an arc length of 52.56 feet to an iron pin, being an easterly corner of said R/W and lying in a southerly R/W line of Rishel Hill Road (T-532, 70' R/W); thence along Rishel Hill Road, along a curve to the left, having a chord bearing of N55 degrees 51'12"E, a chord distance of 36.77 feet, a radius of 555.87 feet and an arc length of 36.78 feet to a point, being the place of beginning, containing 0.622 acres.

Tract 2

All that certain tract of land situated in Benner Township, Centre County, PA, being a Lot Addition, as shown on a plan entitled, "Lot Addition and Replot Plan, Final Plan - Benner Commerce Park Lot Addition and Replots of Lands of the Centre County Industrial Development Corporation and the Commonwealth of Pennsylvania - Replot of Lot 5BR (of Plat Book 81, Page 168) into Lot 5BRR and Lots 4A & 4B (of Plat Book 78, Page 12) into Lots 4AR & 4BR, Legal Exhibit, Blow-Up" dated February 5, 2009, by PennTerra Engineering, Inc., State College, PA, being bounded and described as follows:

Beginning at a point, lying in an easterly line of Former Lot 4B and lying in a westerly line of proposed Venture Drive (60' R/W); thence along said R/W, S47 degrees 38'06"E, 5.18 feet to an iron pin; thence continuing along said R/W, along a curve to the right, having a chord bearing of S39 degrees 41'44"E, a chord distance of 129.84 feet, a radius of 470.00 feet and an arc length of 130.26 feet to a point; thence continuing along said R/W S31 degrees 45'22"E, 90.63 feet to an iron pin, being a southerly corner of said R/W and lying in a northerly line of U.S. 0220/Future I-99 (Variable R/W); thence along the U.S. 0220/Future I-99 R/W, along a curve to the right, having a chord bearing of S60 degrees 46'20"W, a chord distance of 42.25 feet, a radius of 11379.16 feet and an arc length of 42.25 feet to an iron pin, lying in a northerly line of said R/W and being an easterly corner of Former Lot No. 4B; thence along said lot N25 degrees 53'10"W, 223.52 feet to a point, being the place of beginning, containing 0.138 acres.

(d) Easements.—The conveyances 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.

(e) Restriction.—The conveyance authorized by subsection (b) of 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, and its successors. Should the grantee, or its successors, permit any portion of the property authorized to be conveyed in this act to be used in violation of this subsection, the title shall immediately revert to and revest in the grantor.

(f) Execution.—The deeds of conveyance shall be by special warranty deed and shall be properly executed by the respective entities.

(g) Costs.—The Centre County Industrial Development Corporation shall bear all costs associated with the land conveyances authorized by this section.

(h) Expiration.—In the event that the conveyances are not executed within one year of the effective date of this section, the authority contained under this section shall expire.

Section 2. Conveyance to the highest responsible bidder of property located in Benner Township, Centre 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, at a price to be determined through competitive bidding, one parcel of land and improvements situate in Benner Township, Centre County. The parcels of property contained in this section may be offered for sale either together or separately.

(b) Description.—The property to be conveyed pursuant to subsection (a) consists of one parcel totaling 14.77 acres and improvements thereon bounded and more particularly described as follows:

PARCEL 19

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 Centre County Correctional Facility", drawing numbers E-2491 and E-2492 dated 02/06/03, revised to 03/31/03, and recorded in the Recorder's Office of Centre County in Plat Book Volume 68 at pages 126 and 127 on 06/05/03, being part of lands now or formerly of the Commonwealth of Pennsylvania (SCI-Rockview), Record Book 142, Page 39, 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 (SR0150) the following (3) courses;

1. S 15 degrees, 07 minutes, 54 seconds E, 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 7 degrees, 19 minutes, 34 seconds, a chord bearing and distance of S 11 degrees, 28 minutes, 07 seconds E, 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, S 32 degrees, 39 minutes, 16 seconds W, 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 (SR3004) the following (3) courses;

1. N 73 degrees, 17 minutes, 38 seconds W, 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 right, having a radius of 583.50 feet, a central angle of 53 degrees, 49 minutes, 24 seconds, a chord bearing and distance of N 46 degrees, 22 minutes, 56 seconds W, 528.20 feet, and an arc length of 548.14 feet, to a 3/4 inch re-bar a point of tangency, THENCE;
3. N 19 degrees, 28 minutes, 14 seconds W, 343.99 feet, to a 3/4 inch re-bar;

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 of Harry K. Sickler, Record Book 947, Page 879, N 54 degrees, 25 minutes, 12 seconds E, 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 SR6026 section C03 plans, as the southeast 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 the 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 limited 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) Execution.—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.

(e) Costs and fees.—All costs and fees incurred by the Department of General Services in selling the property described in subsection (b) shall be deducted from the purchase price and transferred to the appropriation from which the costs and fees were paid by the Department of General Services. The balance of the proceeds of the sale shall be deposited in the General Fund.

Section 3. Reservation and grant of easements.

To effectuate this act, the Department of General Services is hereby authorized, on behalf of the Commonwealth of Pennsylvania, to reserve or grant any such easements on the property known as the State Correctional Institution at Rockview as the Secretary of the Department of General Services shall determine are appropriate or desirable, including, without limitation, for access and utility service.

Section 10. Effective date.

This act shall take effect immediately.

APPROVED—The 11th day of August, A.D. 2009.

EDWARD G. RENDELL