

No. 2009-43

AN ACT

HB 348

Authorizing the Department of General Services, with the approval of the Governor, to grant and convey to the Waymart Area Historical Society, or its assigns, certain land, buildings and improvements situate in the Township of Canaan, Wayne County; and authorizing and directing the Department of General Services, with the approval of the Governor, to grant and convey to Altoona Regional Health System certain lands situate in the City of Altoona, Blair County.

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

Section 1. Conveyance in Canaan Township, Wayne 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 the Waymart Area Historical Society, or its assigns, certain land, buildings and improvements situate in the Township of Canaan, Wayne County, for \$10,000.

(b) Property description.—The property to be conveyed pursuant to this section consists of approximately 2.76 acres and buildings bounded and more particularly described as follows:

BEGINNING at a point or corner, located in the center of the right of way of Route 6/State Route 0006, at the intersection, with a certain entrance/exit roadway, leading south, into and through, lands of the Commonwealth of Pennsylvania (D.B. 97, P. 98 - The First (Parcel) Thereof:); thence, along the center of the right of way of the aforesaid Route 6/State Route 0006, the following two, curvilinear and/or chord, courses and distances: Along the arc of a curve to the right, in a northwesterly direction, having a central angle of 11 degrees 35 minutes 51 seconds, with a radius of 1432.69 feet, a distance or arc length of 290.00 feet to a point or corner and North 61 degrees 29 minutes 09 seconds West 85.01 feet to a point or corner; thence, departing from said public highway and through lands formerly of the Commonwealth of Pennsylvania (D.B. 97, P. 98 - The First (Parcel) Thereof:); the following four courses and distances: North 27 degrees 36 minutes 54 seconds East 403.77 feet to an iron pin corner set, located southwesterly of a certain private roadway; thence, South 62 degrees 23 minutes 06 seconds East 100.00 feet to an iron pin corner set, located southwesterly of the aforesaid private roadway; thence, South 24 degrees 43 minutes 05 seconds East 344.28 feet to an iron pin corner set, located southwesterly of the aforesaid private roadway and; thence, South 27 degrees 18 minutes 14 seconds West (Crossing a certain private driveway, at 40 feet (more or less), which extends northwesterly from its intersection with the aforesaid private roadway referenced herein) 170.00 feet to the place of BEGINNING.

CONTAINING 2.76-acres more or less.

BEING part of the same premises conveyed, released and remised to the Commonwealth of Pennsylvania by The Delaware and Hudson Company (Formerly the President, Managers, and Company of the Delaware and Hudson Canal Company), by indenture, dated February 19, 1907, and recorded in Wayne County Deed Book Volume 97, Page 98.

(c) Conditions.—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) Restricted use.—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) Required use.—The conveyance authorized by this section shall also be made under and subject to the following covenants, conditions and restrictions that the grantee, its successors and assigns shall use the property and buildings or structures existing or hereinafter permitted to be erected on the property solely for historical and/or historical interpretive purposes. Any new construction, rehabilitation, alteration or demolition on the property shall be consistent with and done in accordance with any standards for rehabilitation and guidelines for rehabilitating historic buildings adopted by the Secretary of the Interior. The grantee, its successors and assigns shall not make any physical alterations to the exterior of any structures on the property except as provided in this act and only with the prior written consent of the grantor or its designee. Should the grantee, its successors or assigns convey or attempt to convey the property, alter the property without the prior written consent of grantor or utilize the property for any purpose inconsistent with this subsection, the lands shall immediately revert to and revest in the grantor. The covenants, conditions and restrictions shall run with the land in perpetuity.

(f) 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.

(g) Costs and fees.—Costs and fees incidental to this conveyance, which shall not exceed \$10,000, shall be borne by the grantee and paid to the Department of General Services.

(h) Alternative 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 2405-A of the act of April 9, 1929 (P.L. 177, No. 175), known as The Administrative Code of 1929.

(i) Deposit of sale proceeds.—The proceeds from the sale shall be deposited in the General Fund.

Section 2. Conveyance in City of Altoona, Blair 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 Altoona Regional Health System certain land and buildings situate in the City of Altoona, Blair County, for \$250,000 in accordance with a lease and option to purchase agreement with the Department of General Services dated May 1, 2007.

(b) Property Description.—The property to be conveyed under this section consists of approximately 2.70 acres and improvements thereon bounded and more particularly described as follows:

BEGINNING at a stake marking the intersection of the Southeasterly property line of Willow Avenue with the Southwesterly property line of Fourth Street; thence along the Southwesterly property line of said Fourth Street South fifty one (51) degrees fifty two (52) minutes zero (0) seconds East two hundred eighty and thirty three one-hundredths (280.33) feet to an iron pin at the center line of Walnut Avenue (now closed); thence continuing by said line of Fourth Street South fifty one (51) degrees fifty three (53) minutes twenty seven (27) seconds East two hundred eighty and twenty one one-hundredths (280.21) feet to a stake on the Northwesterly property line of Howard Avenue; thence along the Northwesterly property line of said Howard Avenue South thirty eight (38) degrees seven (7) minutes ten (10) seconds West one hundred seventy three and sixty one-hundredths (173.60) feet to a stake at lands now or formerly of the Altoona Hospital; thence along said Hospital property North fifty one (51) degrees forty (40) minutes fifty (50) seconds West three hundred fifty two and forty one-hundredths (352.40) feet to a stake; thence continuing by same South forty three (43) degrees forty eight (48) minutes thirty (30) seconds West one hundred four (104) feet to a stake; thence by same North fifty one (51) degrees two (2) minutes forty eight (48) seconds West one hundred ninety seven and eighty nine one-hundredths (197.89) feet to a stake on the Southeasterly property line of Willow Avenue, (said point being North thirty eight (38) degrees seven (7) minutes thirty one (31) seconds East one hundred twenty five and twelve one-hundredths (125.12) feet from the property line of Fifth Street); thence along the Southeasterly property line of Willow Avenue North thirty eight (38) degrees seven (7) minutes thirty one (31) seconds east two hundred seventy two and ninety nine one-hundredths (272.99) feet to a stake on the Southwesterly property line on Fourth Street, the point and place of beginning.

CONTAINING 2.70-acres, more or less.

BEING the same premises conveyed from the Altoona Hospital, to the Commonwealth of Pennsylvania, General State Authority, by deed dated February 24, 1969 and recorded March 25, 1969 in the Blair County, Recorder of Deeds Office in Deed Book Volume 884, Page 626.

BEING the same parcel and tract of land conveyed to the Commonwealth of Pennsylvania, Department of General Services, by the General State Authority in its deed, dated June 16, 1989, recorded in the Blair County, Recorder of Deeds Office in Deed Book Volume 1178, Page 451.

(c) Conditions.—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) Covenant.—A conveyance authorized under this act 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 a 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.

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

(g) Alternate disposal of property.—In the event that this conveyance is not executed in accordance with a lease and option to purchase agreement with the Department of General Services, dated May 1, 2007, 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 3. Effective date.

This act shall take effect immediately.

APPROVED—The 18th day of September, A.D. 2009.

EDWARD G. RENDELL