

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1425 Session of
2012

INTRODUCED BY WOZNIAK, FONTANA, HUGHES, ERICKSON, TARTAGLIONE
AND COSTA, FEBRUARY 16, 2012

REFERRED TO STATE GOVERNMENT, FEBRUARY 16, 2012

AN ACT

1 Authorizing the Department of Conservation and Natural Resources
2 to lease to an alternative energy company certain lands
3 situate on State forest land located in Adams Township,
4 Cambria County.

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

7 Section 1. Land within Gallatzin State Forest.

8 (a) Authorization.--The Commonwealth owns the lands which
9 comprise the Gallatzin State Forest, a portion of which State
10 forest lands are located in Adams Township, Cambria County.
11 Notwithstanding any other law, the Department of Conservation
12 and Natural Resources, acting on behalf of the Commonwealth, is
13 hereby authorized and directed to lease to an alternative energy
14 company (hereinafter "lessee") for an initial term of 99 years,
15 land within the Gallatzin State Forest in Adams Township,
16 Cambria County, and to extend the period for all or any portion
17 of the leased premises for an additional term of up to 99 years.

18 (b) Description of property.--The land to be leased is more
19 particularly described as follows:

1 ALL THOSE CERTAIN tracts of land situated mostly in the
2 Township of Adams, County of Cambria and Commonwealth of
3 Pennsylvania, and partly in the Township of Ogle, County of
4 Somerset, Commonwealth of Pennsylvania, being more particularly
5 bounded and described as follows:

6 TRACT NO. 1: ALL that part or parcel of a certain tract of land
7 situate, lying and being in the Township of Adams,
8 County of Cambria and State of Pennsylvania,
9 bounded and described as follows:

10 BEGINNING at a point (post) at the southwest
11 corner of lands formerly of David Costlow; thence
12 along line of David Costlow South 85° East a
13 distance of 1715 feet to a post at lands formerly
14 of Mountain Coal Company; thence along same South
15 4° 15' West a distance of 1694 feet to a post;
16 thence along same North 85° 45' West a distance of
17 673 feet to a post, corner of land formerly of
18 Franklin Devlin (J. S. Costlow Tract); thence
19 along line of Franklin Devlin North 27° 45' West a
20 distance of 1965 feet to a point (post) the place
21 of beginning. CONTAINING 45.232 acres in
22 accordance with survey made by George Chulick, P.
23 E., made May 31, 1968.

24 BEING part of those lands encompassed in Deed from
25 Pete Jonosky, et al, to Cambria Mining and
26 Manufacturing Company dated June 25, 1968 and
27 recorded in the office for the recording of deeds,
28 etc. in Cambria County in Deed Book Vol. 858, page
29 325. AND, being part of those lands encompassed in
30 description no. 3 in a Deed from Universal

Minerals, Inc. et al to Cooney Bros. Coal Co.,
dated June 15, 1983 and recorded in the office for
the recording of deeds, etc., in and for Cambria
County on June 16, 1983 in Deed Book Vol. 1113,
page 356.

TRACT NO. 1A: ALL that part or parcel of certain tract of land
situate, lying and being in the Township of Adams,
County of Cambria and State of Pennsylvania,
bounded and described as follows:

BEGINNING at a point, said point being the
starting point for parcel no. 2 herein, and being
the northerly corner of the J. S. Costlow Tract;
thence along the J. S. Costlow Tract, South 13°
West, a distance of 2351.0 feet to a point on line
of the Fred Gordon Tract; thence along the Fred
Gordon Tract South 89° 30' West, a distance of
892.3 feet to a point; thence through lands of
which this is a part North 13° East, a distance of
3300.0 feet more or less to a point on line of the
Wm. Shank Tract of 60.40 acres; thence along the
Wm. Shank Tract South 37° East, a distance of
1190.0 feet, more or less, to a point and place of
beginning. CONTAINING 57.29 acres, more or less.
BEING part of those lands encompassed in Deed from
Pete Jonosky, et al to Cambria Mining and
Manufacturing Company dated June 25, 1968 and
recorded in the office for the recording of deeds,
etc., in Cambria County in Deed Book Vol. 858,
page 325. AND, being part of those lands
encompassed in description no. 3 in a Deed from

Universal Minerals, Inc. et al to Cooney Bros.
Coal Co., dated June 15, 1983 and recorded in the
office for the recording of deeds, etc., in and
for Cambria County on June 16, 1983 in Deed Book
Vol. 1113, page 356.

TRACT NO. 2: ALL that certain piece of parcel of land, situate
in the Township of Adams, County of Cambria, and
State of Pennsylvania bounded and described as
follows, viz:

BEGINNING at a Beech, near a run; thence South 13°
West 142 1/2 perches (2351.25 feet) to a laurel;
thence due East 111 3/10 perches (1836.45 feet) to
stones; thence North 31° West 163 perches (2689.5
feet) to the place of beginning. CONTAINING 49
30/100 acres.

BEING part of those lands encompassed in
description no. 2 in a Deed from Universal
Minerals, Inc., et al to Cooney Bros. Coal Co.,
dated June 15, 1983, and recorded in the office
for the recording of deeds, etc., in and for
Cambria County on June 16, 1983 in Deed Book Vol.
1113, page 356.

TRACT NO. 3: ALL that certain tract of land situate in Adams
Township, County of Cambria, State of
Pennsylvania, bounded and described as follows, to
wit:

BEGINNING at Yellow Run near James Costlow's Old
Mill; thence by the other part of the Wm. Nicholas
survey East 191 perches (3151.5 feet) to a post;
thence along line of Ferdinand Gordon survey North

1 139 1/4 perches (2297.63 feet) to stones; thence
2 along the William Gray survey West 160 perches
3 (2640.0 feet) more or less to the said Yellow Run
4 and thence along line of land of Mrs. Costlow up
5 the middle of said Yellow Run 182 perches (3003.0
6 feet) to the place of beginning. CONTAINING 149
7 acres.

8 EXCEPTING and reserving a right-of-way conveyed to
9 the Pennsylvania Railroad Company, being a portion
10 of Tract No. 14 herein conveyed.

11 BEING part of those lands encompassed in
12 description no. 2 in a Deed from Universal
13 Minerals, Inc., et al to Cooney Bros. Coal Co.
14 dated June 15, 1983, and recorded in the office
15 for the recording of deeds, etc., in and for
16 Cambria County on June 16, 1983 in Deed Book Vol.
17 1113, page 356.

18 TRACT NO. 4: ALL that certain tract of land situate in Adams
19 Township, County of Cambria and State of
20 Pennsylvania, bounded and described as follows:
21 BEGINNING at a small spruce; thence by land of
22 Jacob Clements, South 88° East 250 perches (4125.0
23 feet) to a post; thence by land of Ferdinand
24 Gordon, North 2° East 151 3/4 perches (2503.87
25 feet) to a post; thence by land of John Smith,
26 North 88° West 250 perches (4125.0 feet) to a
27 Beech; thence by lands of Robert Ross, South 2°
28 West 151 3/4 perches to the place of beginning.
29 CONTAINING 236 acres and 93 perches, strict
30 measure.

EXCEPTING and reserving right-of-way conveyed to the Pennsylvania Railroad Company.

ALSO EXCEPTING and reserving a certain piece or parcel of land described, to wit:

BEGINNING at a point on the northeast corner of the Robert Ross Tract and the northwest corner of William Nicholson Tract No. 2 of which this is a part; thence along the line of the Robert Ross Tract S 2° W, 1856.60 feet to a point; thence through lands of which this is a part S 88° E, 656.01 feet more or less to a point on the westerly side of lands formerly the right-of-way of the Llanfair Branch of the Pennsylvania Railroad; thence along said right-of-way in a northeasterly direction 1000 feet more or less to a point; thence through lands of which this is a part N 2° E, 913.71 feet to a point on line of lands of the William Nicholson no. 1 tract; thence along the said William Nicholson no. 1 tract west, 900 feet to the point and place of beginning.

CONTAINING 37.73 acres, more or less.

BEING part of those lands encompassed in description no. 2 in a Deed from Universal Minerals, Inc., et al to Cooney Bros. Coal Co., dated June 15, 1983 and recorded in the office for the recording of deeds, etc., in and for Cambria County on June 16, 1983 in Deed Book Vol. 1113, page 356.

TRACT NO. 5: ALL that certain tract of land situate in Adams Township, Cambria County, State of Pennsylvania,

1 bounded and described as follows:
2 BEGINNING at a Beech at the northeast corner of
3 tract warranted in the name of William Nichols;
4 thence by said tract South 3° West 286 perches
5 (4719.0 feet) to a post; thence by tracts
6 warranted in the names of Henry Barrington and
7 Henry Rice, South 87° East 265 perches (4372.5
8 feet) to a post; thence by tract warranted in the
9 name of John Anderson, North 3° East 286 perches
10 (4719.0 feet) to a post; and thence by tract
11 warranted in the names of Alexander McGregor and
12 William Gray, North 87° West 265 perches (4372.5
13 feet) to a Beech, the place of beginning.
14 CONTAINING 473.69 acres.

15 BEING part of those lands encompassed in
16 description no. 2 in a Deed from Universal
17 Minerals, Inc., et al to Cooney Bros. Coal Co.,
18 dated June 15, 1983, and recorded in the office
19 for the recording of deeds, etc., in and for
20 Cambria County on June 16, 1983 in Deed Book Vol.
21 1113, page 356.

22 TRACT NO. 6: ALL that certain tract of land situate in Adams
23 Township, Cambria County, Pennsylvania, bounded
24 and described as follows:
25 BEGINNING at a point in line of lands warranted in
26 the name of William Nichols; thence by same and
27 land warranted in the name of Fred Gordon; East
28 193 perches (3184.5 feet) to a point; thence by
29 lands of Henry Rice South 355 perches (5857.5
30 feet) to a point; thence by lands of John Garder

1 and Mathias West, West 193 perches (3184.5 feet)
2 to a point; thence by lands of Jacob Clements,
3 North 355 perches (5857.5 feet) to the place of
4 beginning. CONTAINING 401 acres.
5 BEING part of those lands encompassed in
6 description no. 2 in a Deed from Universal
7 Minerals, Inc., et al to Cooney Bros. Coal Co.,
8 dated June 15, 1983, and recorded in the office
9 for the recording of deeds, etc., in and for
10 Cambria County on June 16, 1983 in Deed Book Vol.
11 1113, page 356.

12 TRACT NO. 7: ALL that certain tract of land situate in Adams
13 Township, Cambria County, Pennsylvania, bounded
14 and described as follows:
15 BEGINNING at a post on line of tract warranted in
16 the name of Ferdinand Gordon, being the northeast
17 corner of tract warranted in the name of Henry
18 Barrington, South 3° West 362 perches (5973.0
19 feet) to a post on line of tract warranted in the
20 name of John Gardner; thence by said tract
21 warranted in the name of John Gardner, South 87°
22 East 200 perches (3300.0 feet) to stone corner of
23 tract Vickroy and Clark, North 38° East 95 perches
24 (1567.5 feet) to a Beech Stump; thence by same
25 tract, North 17° West 207 perches (3415.5 feet) to
26 a post; thence still by the same tract, North 87°
27 West 28 perches (462.0 feet) to a post; thence
28 still by same tract of Vickroy and Clark, North 3°
29 East 90 perches (1485.0 feet) to a post in line of
30 tract warranted in the name of John Anderson;

1 thence by said tract warranted in the name of John
2 Anderson and also by tract warranted in the name
3 of Ferdinand Gordon, North 87° West 156 1/2
4 perches (2582.25 feet) to a post, the place of
5 beginning. CONTAINING 463.73 acres.

6 EXCEPTING and reserving 17.68 acres conveyed by
7 three conveyances to the Dunlo Rod and Gun Club,
8 said three conveyances being described as follows:

9 BEGINNING at a set stone, corner of lands now or
10 formerly Highland Sewer and Water Authority;
11 thence along line of lands of the Highland Sewer
12 and Water Authority South 3° 00' West, 1100.5 feet
13 to an Iron Pin corner; thence through lands of
14 which this is a part North 87° West, 700.0 feet to
15 an Iron Pin corner; thence by same North 3° 00'
16 East, 1100.5 feet to an Iron Pin corner on line of
17 said Highland Sewer and Water Authority; thence
18 along line of the Highland Sewer and Water
19 Authority South 87° East 700.0 feet to the place
20 of beginning.

21 ALSO, EXCEPTING and reserving unto the Dunlo Rod
22 and Gun Club, their assigns and successors the
23 free and uninterrupted access and right-of-way,
24 forever, to the lands above described by the
25 customary routes now employed for access.

26 BEING part of the lands encompassed in description
27 no. 2 in a Deed from Universal Minerals, Inc., et
28 al to Cooney Bros. Coal Co. dated June 15, 1983
29 and recorded in the office for the recording of
30 deeds, etc., in and for Cambria County on June 16,

1 1983 in Deed Book Vol. 1113, page 356.

2 TRACT NO. 8: ALL that tract of land situate in Adams Township,
3 Cambria County, Pennsylvania bounded and described
4 as follows:

5 BEGINNING at a rock oak; thence by land of Thomas
6 Vickroy and William Clark, Jr., North 20° East 72
7 perches (1188.0 feet) to a Sugar; thence North 17°
8 West 213 perches (3514.5 feet) to a Sugar; thence
9 by land of Henry Rynard, Henry Barrington West 223
10 perches (3679.5 feet) to a Beech; thence by
11 Mathias West's land South 263 perches (4339.5
12 feet) to a corner; thence by lands of Joseph
13 Moore, East 264 perches (4356.0 feet) to the place
14 of beginning. CONTAINING 401 acres.

15 EXCEPTING and reserving a tract of land bounded
16 and described as follows:

17 BEGINNING at an iron pin on the northerly side of
18 Township Road 303, said point being located on
19 line North 21° 27' East a distance of 455.55 feet
20 from the southwest corner of the E.S. Vickroy
21 Tract; thence along the northerly side of Township
22 Road 303, North 66° 11' West a distance of 205.42
23 feet to a point; thence continuing by the same,
24 North 65° 7' West a distance of 448.61 feet to an
25 iron pin; thence continuing by the same, North 74°
26 56' West a distance of 212.0 feet to an iron pin;
27 thence through lands of which this is a part,
28 North 3° 43' East a distance of 984.89 feet to a
29 point; thence by the same, Due East a distance of
30 694 feet to a point on line of lands now or

1 formerly of the Beaversale Sportsmen's
2 Association; thence by lands now or formerly of
3 the Beaversale Sportsmen's Association, South 17°
4 East a distance of 832.61 feet to a Sugar tree
5 corner; thence by the same, South 21° 27' West a
6 distance of 551.64 feet to the place of beginning.
7 CONTAINING 22.72 acres, more or less.

8 BEING part of those lands encompassed in
9 description no. 2 in a Deed from Universal
10 Minerals, Inc., et al to Cooney Bros. Coal Co.,
11 dated June 15, 1983 and recorded in the office for
12 the recording of deeds, etc., in and for Cambria
13 County on June 16, 1983 in Deed Book Vol. 1113,
14 page 356.

15 TRACT NO. 9: ALL the Grantors' right, title and interest in
16 that certain tract of land situate, lying and
17 being in the Township of Adams, County of Cambria,
18 State of Pennsylvania, bounded and described as
19 follows:

20 BEGINNING at the southeast corner of lands now or
21 formerly of Fredrick Sell and lands of "Babcock
22 State Forest" said point being South 84° East
23 2359.5 feet and South 6° West 462 feet from the
24 northeast corner of other lands now or formerly of
25 John R. Torquato, thence along lands now or
26 formerly of Fredrick Sell North 6° East 3349.5
27 feet to a point which is the southwest corner of
28 lands now or formerly of S.I.D. Vihar Ed. Assn.;
29 thence along lands now or formerly of S.I.D. Vihar
30 Ed. Assn., and crossing T-303 (Old Bedford Pike)

1 south 84° East 962.49 feet to a point, the
2 northeast corner of lands now or formerly of John
3 E. Stefanko; thence along lands now or formerly of
4 John E. Stefanko and crossing T-303, South 6° West
5 3349.5 feet to a point on line of lands of the
6 "Babcock State Forest"; thence along the lands of
7 the "Babcock State Forest" North 84° West 962.49
8 feet to the point and place of beginning.

9 CONTAINING 74.01 acres.

10 TRACT NO. 10: ALL that certain tract of land situate, lying and
11 being in the Township of Adams, County of Cambria
12 and State of Pennsylvania, bounded and described
13 as follows:

14 BEGINNING at stones, corner of lands of the
15 Berwind-White Coal Mining Company and J. B. Kelly;
16 thence south 69° east 701 feet to stones; thence
17 by land of J. B. Kelly north 66° east 1528 feet to
18 a post; thence by lands of Waldo Meals south 6°
19 west 2640 feet to stones; thence by the same south
20 84° east 5214 feet to a beech stump; thence by
21 lands of Babcock Lumber Company south 6° west 1400
22 feet more or less to Somerset-Cambria County line;
23 thence along Somerset-Cambria County line in a
24 westerly direction 7270 feet to Berwind-White Coal
25 Mining Company; thence along Berwind-White Coal
26 Mining Company land north 6° east 3430 feet more
27 or less to the place of beginning. CONTAINING 238
28 acres, more or less.

29 BEING those lands encompassed in a Deed from Sara
30 Jane Torquato, individually, and as administratrix

1 of the Estate of John R. Torquato otherwise John
2 R. Torquato, Sr. to Cooney Bros. Coal Co., dated
3 October 9, 1986 and recorded in the office for the
4 recording of deeds, etc., in and for Cambria
5 County on October 27, 1986 in Deed Book Vol. 1178,
6 page 547 and, Deed from Mafalda Torquato, single,
7 to Cooney Bros. Coal Co. dated January 20, 1987
8 and recorded in the office for the recording of
9 deeds, etc., in and for Cambria County on January
10 21, 1987 in Deed Book Vol. 1182, page 546.

11 TRACT NO. 11: ALL that certain piece or parcel of land situate,
12 lying and being in the Township of Adams, County
13 of Cambria and State of Pennsylvania, bounded and
14 described as follows:

15 BEGINNING at a stake in a township road leading
16 from Eureka No. 42 to Krayn at corner of land now
17 or formerly of Stanely Lasky and land now or
18 formerly of Longwall Mining; thence along land of
19 Stanley Lasky South 04° 52' 22" West 1666.89 feet
20 to a point in the township road leading from
21 Eureka No. 42 to Bedford County; thence through
22 the center of said township road and through land
23 of which this was formerly a part; the following
24 fifteen (15) courses and distances, to wit: (1)
25 North 88° 43' West 257.45 feet to a point, (2)
26 North 85° 34' West 187.59 feet to a point, (3)
27 South 78° 42' West 81.79 feet to a point, (4)
28 South 57° 52' West 101.52 feet to a point, (5)
29 South 49° 30' West 101.65 feet to a point, (6)
30 South 57° 19' West 101.29 feet to a point, (7)

1 South 67° 07' West 175.28 feet to a point, (8)
2 South 76° 44' West 51.83 feet to a point, (9)
3 North 57° 32' West 51.28 feet to a point, (10)
4 North 36° 34' West 101.86 feet to a point, (11)
5 North 38° 51' West 101.89 feet to a point, (12)
6 North 47° 07' West 182.58 feet to a point, (13)
7 North 52° 48' West 101.68 feet to a point, (14)
8 North 58° 33' West 308.07 feet to a point, and
9 (15) North 60° 42' West 111.72 feet to a point,
10 thence 04° 45' 37" East 429.24 feet to an iron pin
11 and stones on line of land of Longwall Mining;
12 thence along land of Longwall mining, North 64°
13 10' 55" East 2039.41 feet to a stake in road, the
14 place of beginning. CONTAINING 48.90 acres, as
15 shown on the Plan of Sewell Oldham R.S., dated
16 September 20, 1976.
17 BEING the same piece or parcel encompassed in a
18 Deed from Francis R. Allison, et al to Cooney
19 Brothers Coal Co., dated March 14, 1984 and
20 recorded in the office for the recording of deeds,
21 etc., in and for Cambria County on March 22, 1984
22 in Deed Book Vol. 1126, page 719.
23 TRACT NO. 12: ALL that certain tract or parcel of land situate
24 in Ogle Township, Somerset County, Pennsylvania,
25 bounded and described as follows:
26 BEGINNING at a point on the Cambria-Somerset
27 County line, said point being the northeastern
28 corner of lands described herein; thence from the
29 point of beginning along lands of the Babcock
30 State Forest, South 3° 40' West 2047.03 feet to a

point; thence still by the same, North 84° West
6262.29 feet to existing iron pin in a stone pile,
thence still by the same, North 6° 04' East 878.32
feet to an existing iron pin; thence still by the
same, North 83° 56' West 1080.55 feet to a point
on lands now or late of the Wilmore Coal Company;
thence along the same, North 06° 04' East 994.79
feet to an existing stone pile on line of lands
now or late of John R. Torquato; thence along the
same, South 85° 21' East 7259.39 feet to the point
and place of beginning. CONTAINING 306.723 acres
more or less.

EXCEPTING AND RESERVING from the above described
tract approximately 9.20 acres conveyed by Nora
McDonald, Administratrix to Pot Ridge Coal Company
as set forth in prior deed.

BEING part of those lands encompassed in
Description for Parcel #2 in a Deed from United
States National Bank, Executors for the Estate of
Frank M. Sheesley to Cooney Brothers Coal Co.
dated December 6, 1983 and recorded in the office
for the recording of deeds, etc., in and for
Somerset County on February 8, 1984 in Deed Book
Vol. 914, page 455.

TRACT NO. 13: ALL that certain tract or parcel of land situate
in Adams Township, Cambria County, Pennsylvania,
bounded and described as follows:
BEGINNING at a point on the division line between
lands herein described and lands now or late of
Stanley Lasky; thence from the point of beginning

1 along Stanley Lasky and lands of Frederick Sell
2 South 3° 15' West 5659.5 feet to an existing iron
3 pin on line of lands now or late of John R.
4 Torquato; thence along the same North 86° 30' West
5 1732.5 feet to a point on line of lands now or
6 late of Gelsomina L. Capannari; thence along the
7 same, North 3° 15' East 4626.6 feet to a point on
8 line of lands now or late of the Longwall Mining
9 Company, Inc., thence along the same North 63° 30'
10 East 1976.7 feet to the point and place of
11 beginning. CONTAINING 204 acres, more or less.
12 EXCEPTING 48.90 acre tract conveyed to Francis R.
13 Allison, et ux, as recorded in Deed Book Vol.
14 1029, page 619, being Tract No. 11 herein
15 conveyed.
16 ALSO, excepting and reserving a certain parcel of
17 land described as follows:
18 BEGINNING at a point, said point being located
19 North 3° 15' East, 380 +/- feet from the southeast
20 corner of the Caleb Lownes Warrant; thence through
21 lands of which this is a part North 86° 30' West,
22 350 +/- feet to a point on the east side of an
23 earthen road; thence along the easterly side of
24 said earthen road in a northwesterly direction,
25 1000 +/- feet to point; thence South 86° 30' East
26 850 +/- feet to a point on line of the Ebenezer
27 Branham Warrant; thence along the line of the
28 Ebenezer Branham Warrant South 3° 15' West, 850
29 +/- feet to the place of beginning. CONTAINING
30 8.72 acres more or less.

1 BEING part of those lands encompassed in
2 description for Parcel #1 in a Deed from United
3 States National Bank, Executors for the Estate of
4 Frank M. Sheesley to Cooney Brothers Coal Co.,
5 dated December 6, 1983 and recorded in the office
6 for the recording of deeds, etc., in and for
7 Cambria County on February 3, 1984 in Deed Book
8 Vol. 1124, page 657.

9 TRACT NO. 14: ALL the right, title and interest in that part or
10 parcel of a certain tract of land known as the
11 right-of-way for the "Llanfair Branch of the
12 former Pennsylvania Railroad lying and being in
13 the Township of Adams, County of Cambria, State of
14 Pennsylvania, bounded and described as follows:
15 BEGINNING at a point on the northerly line of the
16 William Nicholson #1 Warrant, Station 164+73 +/-;
17 thence in a southwesterly direction through the
18 William Nicholson #1 Warrant and continuing
19 through the William Nicholson #2 Warrant to a
20 point on southerly line of the William Nicholson
21 #2 Warrant, Station 213+23 +/-, containing 6.38
22 acres more or less.

23 BEING part of the parcel or tract of land
24 encompassed in a Deed from John J. Ondesko et al
25 to Cooney Brothers Coal Co., dated May 23, 1984
26 and recorded in the office for the recording of
27 deeds, etc., in and for Cambria County on May 31,
28 1984 in Deed Book Vol. 1130, page 505.

29 (c) Lease agreement.--The lease and any other documents
30 hereby contemplated shall be approved as to form and legality by

1 the Attorney General and the Office of General Counsel and shall
2 be executed by the Department of Conservation and Natural
3 Resources, which approvals shall not be unreasonably withheld,
4 in the name of the Commonwealth. The least shall grant the
5 lessee, and all successors and assigns, the right to use the
6 above-described premises for the generation and transmission of
7 electricity utilizing wind power.

8 (d) Land use restriction.--The lease authorized under this
9 section shall be made under and subject to the condition, which
10 shall be contained in the lease documents, that no portion of
11 the parcel shall be used as a licensed facility as defined in 4
12 Pa.C.S. § 1103 (relating to definitions) or any other similar
13 type of facility authorized under the laws of this Commonwealth.
14 This condition shall be a covenant running with the land and
15 shall be binding upon the lessee and its successors and assigns.
16 Should any portion of the parcel authorized to be leased under
17 this act be used in violation of this subsection, the lease
18 shall terminate immediately.

19 (e) Free public access.--The lessee, and its successors and
20 assigns, shall provide and maintain free public access to the
21 parcel described in subsection (b) except to the extent
22 necessary to provide for the safety of the public. The
23 conditions of this subsection shall be covenants that run with
24 the land and shall be binding upon the lessee and its successors
25 and assigns.

26 (f) Consideration.--The Department of Conservation and
27 Natural Resources shall lease the land as described in
28 subsection (b) upon such terms and conditions and for such
29 considerations as it shall establish through the lease
30 agreements.

1 (g) Costs and fees.--Costs and fees incidental to the lease
2 authorized by this section shall be borne by the lessee,
3 including the costs incurred by the Department of Conservation
4 and Natural Resources in the preparation, execution and review
5 of the lease and related documents.

6 (h) Expiration.--In the event that the lease authorized by
7 this section is not executed within 18 months following the
8 effective date of this section, the authority contained in this
9 section shall be void.

10 Section 2. Effective date.

11 This act shall take effect immediately.