

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1769 Session of
1997

INTRODUCED BY DEMPSEY AND FEESE, SEPTEMBER 23, 1997

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
MARCH 9, 1998

AN ACT

1 Authorizing and directing the Department of General Services,
2 with the approval of the Department of Environmental
3 Protection and the Governor, to sell and convey to Marc G.
4 and Susan K. Springman, certain land situate in Old Lycoming
5 Township, Lycoming County, Pennsylvania; AUTHORIZING THE
6 DEPARTMENT OF GENERAL SERVICES TO CONVEY A TRACT OF LAND
7 LOCATED IN SOMERSET TOWNSHIP, SOMERSET COUNTY; AND PROVIDING
8 FOR REMOVAL OF OPEN SPACE LAND USE RESTRICTIONS ON A TRACT OF
9 LAND SITUATE IN THE TOWNSHIP OF NEWTON, LACKAWANNA COUNTY. <—

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

12 Section 1. (A) AUTHORIZATION.--The Department of General
13 Services, with the approval of the Department of Environmental
14 Protection and the Governor, is hereby authorized and directed
15 on behalf of the Commonwealth of Pennsylvania to grant, sell and
16 convey to Marc G. and Susan K. Springman for consideration in
17 the amount of \$375 the following tract of land and buildings. <—

18 The property to be conveyed is the following tract of land
19 situate in Old Lycoming Township, Lycoming County, Pennsylvania,
20 bounded and described as follows:

21 Beginning at an existing iron pin, at the intersection of the

1 southern right-of-line of Chatham Lane (also known as Township
2 Road, No. 430) and the northeastern corner of land of Lycoming
3 Creek Realty Company, Inc., said beginning point being north 84
4 degrees 54 minutes 40 seconds east 262 feet from a point, at the
5 intersection of the southern right-of-way line of said Chatham
6 Lane, projected (also known as Township Road, No. 430) and the
7 center of Pennsylvania State Highway, State Route No. 0015 (also
8 known as Lycoming Creek Road).

9 Thence from the said place of beginning and continuing along
10 the southern right-of-way line of said Chatham Lane (also known
11 as Township Road, No. 430) north 84 degrees 54 minutes 40
12 seconds east 31.87 feet to an iron pin, at the intersection of
13 the southern right-of-way line of said Chatham Lane (also known
14 as Township Road, No. 430) and the northwestern corner of land
15 of the Commonwealth of Pennsylvania, Flood Control Bureau,
16 District No. 13, Parcel No. 130L-528. Thence along the western
17 line of land of the Commonwealth of Pennsylvania, Flood Control
18 Bureau, District No. 13, Parcel No. 130L-528, south 5 degrees 39
19 minutes 40 seconds east 13.37 feet to an iron pin, at the
20 intersection of the southeastern corner of land of the
21 Commonwealth of Pennsylvania, Flood Control Bureau, District No.
22 13, Parcel No. 130L-528, and the northern line of land of Marc
23 G. and Susan K. Springman. Thence along the northern line of
24 land of said Marc G. and Susan K. Springman, north 85 degrees 10
25 seconds west 33.98 feet to an existing iron pin, at the
26 intersection of the northwestern corner of land of said Marc G.
27 and Susan K. Springman and the eastern line of land of the
28 aforesaid Lycoming Creek Realty Company, Inc. Thence along the
29 eastern line of land of said Lycoming Creek Realty Company,
30 Inc., north 5 degrees 58 minutes 20 seconds east 7.56 feet to

1 the place of beginning.

2 Containing 341 square feet.

3 ~~Section 2.~~ (B) EASEMENTS.--The conveyance UNDER SUBSECTION <—
4 (A) shall be made under and subject to all easements, servitudes
5 and rights of others, including, but not confined to, streets,
6 roadways and rights of any telephone, telegraph, water,
7 electric, sewer, gas or pipeline companies, as well as under the
8 subject to any interest, estates or tenancies vested in third
9 persons, whether or not appearing of record, for any portion of
10 the land or improvements erected thereon.

11 ~~Section 3.~~ (C) PROCEEDS.--The proceeds of this sale shall be <—
12 paid into the State Treasury and deposited in the General Fund.

13 ~~Section 4.~~ (D) EXECUTION.--The deed of conveyance UNDER <—
14 SUBSECTION (A) shall be approved as provided by law and shall be
15 executed by the Secretary of General Services in the name of the
16 Commonwealth of Pennsylvania.

17 ~~Section 5.~~ (E) COSTS.--Costs and fees incidental to the <—
18 conveyance shall be borne by the grantee.

19 SECTION 2. (A) AUTHORIZATION.--THE DEPARTMENT OF GENERAL <—
20 SERVICES, WITH THE APPROVAL OF THE GOVERNOR, IS HEREBY
21 AUTHORIZED AND DIRECTED, ON BEHALF OF THE COMMONWEALTH OF
22 PENNSYLVANIA, TO GRANT AND CONVEY, SOMERSET CHRISTIAN
23 FELLOWSHIP, THE DESCRIBED TRACT OF LAND IN SUBSECTION (B) FOR
24 FAIR MARKET VALUE AS DETERMINED BY AN INDEPENDENT APPRAISAL.

25 (B) DESCRIPTION.--BEGINNING AT AN EXISTING IRON PIN/CAP AND
26 ON THE JURISDICTIONAL DIVISION LINE BETWEEN LANDS OF THE
27 SOMERSET CHRISTIAN FELLOWSHIP AND LANDS OF THE COMMONWEALTH OF
28 PENNSYLVANIA. THENCE ALONG LANDS OF THE COMMONWEALTH OF
29 PENNSYLVANIA AND THE SOMERSET CHRISTIAN FELLOWSHIP THE FOLLOWING
30 COURSES AND DISTANCES;

(1) SOUTH 65 DEGREES 43 MINUTES 09 SECONDS EAST, 403.22
FEET TO SET IRON PIN/CAP;

(2) NORTH 39 DEGREES 36 MINUTES 00 SECONDS EAST, 238.77
FEET TO SET IRON PIN/CAP;

(3) SOUTH 22 DEGREES 49 MINUTES 30 SECONDS WEST, 32.30
FEET TO SET IRON PIN/CAP;

(4) SOUTH 38 DEGREES 46 MINUTES 00 SECONDS WEST, 139.80
FEET TO SET IRON PIN/CAP;

(5) SOUTH 66 DEGREES 05 MINUTES 15 SECONDS EAST, 49.00
FEET TO SET IRON/PIN CAP;

(6) SOUTH 20 DEGREES 05 MINUTES 15 SECONDS WEST, 145.67
FEET TO SET IRON/PIN CAP;

(7) NORTH 65 DEGREES 21 MINUTES 15 SECONDS WEST, 370.50
FEET TO SET IRON/PIN CAP;

(8) NORTH 32 DEGREES 20 MINUTES 00 SECONDS WEST, 145.30
FEET TO SET IRON/PIN CAP;

CONTAINING APPROXIMATELY .936 ACRES.

(C) EASEMENT.--THE CONVEYANCE SHALL BE MADE UNDER AND
SUBJECT TO ALL EASEMENTS, SERVITUDES AND RIGHTS OF OTHERS,
INCLUDING BUT NOT CONFINED TO, STREETS, ROADWAYS AND RIGHTS OF
TELEPHONE, TELEGRAPH, WATER, ELECTRIC, SEWER, GAS OR PIPELINE
COMPANIES, AS WELL AS UNDER AND SUBJECT TO ANY INTEREST, ESTATES
OR TENANCIES VESTED IN THIRD PERSONS, WHETHER OR NOT APPEARING
OF RECORD, FOR ANY PORTION OF THE LAND OR IMPROVEMENTS ERECTED
THEREON.

(D) DEED.--THE DEED OF CONVEYANCE SHALL BE APPROVED AS
PROVIDED BY LAW AND SHALL BE EXECUTED BY THE SECRETARY OF
GENERAL SERVICES IN THE NAME OF THE COMMONWEALTH OF
PENNSYLVANIA.

(E) COSTS.--THE COSTS AND FEES INCIDENTAL TO THIS CONVEYANCE

1 SHALL BE BORNE BY THE GRANTEE.

2 SECTION 3. (A) AUTHORIZATION.--UPON RECEIPT OF FAIR
3 CONSIDERATION, THE DEPARTMENT OF GENERAL SERVICES, WITH THE
4 APPROVAL OF THE GOVERNOR AND THE DEPARTMENT OF AGRICULTURE, IS
5 AUTHORIZED AND DIRECTED ON BEHALF OF THE COMMONWEALTH OF
6 PENNSYLVANIA TO EXECUTE THE APPROPRIATE INSTRUMENT TO TERMINATE
7 THE OPEN SPACE LAND USE RESTRICTIONS IMPOSED BY THE COMMONWEALTH
8 IN ACCORDANCE WITH THE ACT OF JANUARY 19, 1968 (1967 P.L.992,
9 NO.442) ENTITLED "AN ACT AUTHORIZING THE COMMONWEALTH OF
10 PENNSYLVANIA AND THE LOCAL GOVERNMENT UNITS THEREOF TO PRESERVE,
11 ACQUIRE OR HOLD LAND FOR OPEN SPACE USES," IN ITS DEED DATED
12 DECEMBER 15, 1986, AND RECORDED IN THE OFFICE OF THE RECORDER OF
13 DEEDS OF LACKAWANNA COUNTY, IN DEED BOOK VOLUME 1198, PAGE 503.

14 INDENTURE

15 THIS INDENTURE MADE AND ENTERED INTO THIS 15TH DAY OF
16 DECEMBER, A.D., 1986 BETWEEN THE COMMONWEALTH OF PENNSYLVANIA,
17 ACTING BY AND THROUGH WALTER BARAN, SECRETARY OF THE DEPARTMENT
18 OF GENERAL SERVICES, AN ADMINISTRATIVE DEPARTMENT OF THE
19 COMMONWEALTH OF PENNSYLVANIA, WITH THE APPROVAL OF THE GOVERNOR
20 OF THE COMMONWEALTH OF PENNSYLVANIA, HEREIN REFERRED TO AS
21 GRANTOR AND ERNEST D'AGATA, DONALD L. SHERWOOD, JOHN F. WALSH
22 AND GEORGE E. CLARK, JR., OF LACKAWANNA COUNTY, PENNSYLVANIA,
23 HEREIN REFERRED TO AS GRANTEEES:

24 WHEREAS, UNDER AUTHORITY OF ACT NO.48, APPROVED JULY 1, 1981,
25 THE DEPARTMENT OF GENERAL SERVICES, WITH THE APPROVAL OF THE
26 GOVERNOR, IS AUTHORIZED TO GRANT AND CONVEY TO THE GRANTEEES, THE
27 TRACT OF LAND DESCRIBED HEREIN.

28 WITNESSETH, THAT THE SAID GRANTOR, FOR AND IN CONSIDERATION
29 OF THE SUM OF ONE HUNDRED ELEVEN THOUSAND DOLLARS AND 00/100
30 (\$111,000.00), RECEIPT OF WHICH IS HEREBY ACKNOWLEDGED, HAS

1 GRANTED AND CONVEYED AND BY THESE PRESENTS DOES GRANT AND CONVEY
2 UNTO THE SAID GRANTEES, THEIR HEIRS AND ASSIGNS, A TRACT OR
3 PARCEL OF LAND SITUATE IN THE TOWNSHIP OF NEWTON, COUNTY OF
4 LACKAWANNA, PENNSYLVANIA, BOUNDED AND DESCRIBED AS FOLLOWS:

5 BEGINNING AT A CORNER IN THE INTERSECTION OF LEGISLATIVE
6 ROUTES 365 AND 35053; THENCE IN THE RIGHT OF WAY OF LEGISLATIVE
7 ROUTE NO. 365 SOUTH 45 DEGREES 17 MINUTES 17 SECONDS EAST A
8 DISTANCE OF 446.69 FEET TO A CORNER; THENCE ALONG THE LINE OF
9 LANDS OF THOMAS FLOREY, GEORGE ESSLINGER AND MAY O. DORSHEIMER
10 THE FOLLOWING THREE COURSES: (1) SOUTH 37 DEGREES 35 MINUTES
11 WEST A DISTANCE OF 75 FEET TO A CORNER; (2) SOUTH 45 DEGREES 2
12 MINUTES EAST A DISTANCE OF 680.70 FEET TO A CORNER; (3) SOUTH 39
13 DEGREES 16 MINUTES 51 SECONDS EAST A DISTANCE OF 374.27 FEET TO
14 A CORNER; THENCE ALONG THE LINE OF LANDS OF NEWTON TOWNSHIP THE
15 FOLLOWING TWO COURSES: (1) SOUTH 51 DEGREES 57 MINUTES 24
16 SECONDS WEST A DISTANCE OF 582 FEET TO A CORNER; (2) SOUTH 75
17 DEGREES 12 MINUTES 25 SECONDS WEST A DISTANCE OF 434 FEET TO A
18 CORNER; THENCE ALONG THE LINE OF LANDS CONVEYED TO THE ABINGTON
19 AREA LINE OFFICERS ASSOCIATION THE FOLLOWING TWO COURSES: (1)
20 NORTH 83 DEGREES 35 MINUTES 33 SECONDS WEST A DISTANCE OF 800
21 FEET TO A CORNER; (2) SOUTH 6 DEGREES 13 MINUTES 16 SECONDS WEST
22 A DISTANCE OF 1440.20 FEET TO A CORNER IN THE CENTER OF
23 LEGISLATIVE ROUTE NO. 440; THENCE ALONG THE CENTER OF
24 LEGISLATIVE ROUTE NO. 440 THE FOLLOWING TWO COURSES: (1) NORTH
25 86 DEGREES 55 MINUTES 4 SECONDS WEST A DISTANCE OF 145.97 FEET
26 TO A CORNER; (2) NORTH 83 DEGREES 49 MINUTES 20 SECONDS WEST A
27 DISTANCE OF 1235.18 FEET TO A CORNER; THENCE ALONG THE LINE OF
28 LANDS OF EARL DUNLAP THE FOLLOWING TWO COURSES: (1) NORTH 10
29 DEGREES 59 MINUTES 40 SECONDS EAST A DISTANCE OF 1896.75 FEET TO
30 A CORNER; (2) NORTH 82 DEGREES 30 MINUTES WEST A DISTANCE OF 769

1 FEET TO A CORNER; THENCE ALONG THE LINE OF LANDS OF WARREN M.
2 THOMPSON AND WILLIAM D. WALSH NORTH 50 DEGREES 35 MINUTES EAST A
3 DISTANCE OF 2475 FEET TO A CORNER ON THE NORTH SIDE OF
4 LEGISLATIVE ROUTE NO. 365; THENCE ALONG THE LINE OF LANDS OF
5 SAMUEL SCHIAVI THE FOLLOWING THREE COURSES: (1) NORTH 71 DEGREES
6 9 MINUTES WEST A DISTANCE OF 194.50 FEET TO A CORNER; (2) NORTH
7 6 DEGREES 8 MINUTES WEST A DISTANCE OF 511.50 FEET TO A CORNER;
8 (3) SOUTH 82 DEGREES 8 MINUTES EAST A DISTANCE OF 807 FEET TO A
9 CORNER; THENCE ALONG THE LINE OF LANDS OF FRANK GRIPPO AND
10 FORREST CARR THE FOLLOWING TWO COURSES: (1) SOUTH 39 DEGREES 25
11 MINUTES EAST A DISTANCE OF 1306.40 FEET TO A CORNER; (2) SOUTH
12 40 DEGREES 37 MINUTES 12 SECONDS WEST A DISTANCE OF 142.87 FEET
13 TO A CORNER IN THE RIGHT OF WAY OF LEGISLATIVE ROUTE NO. 35053;
14 THENCE IN THE RIGHT OF WAY OF LEGISLATIVE ROUTE NO. 35053 SOUTH
15 84 DEGREES 7 MINUTES 36 SECONDS WEST A DISTANCE OF 600.18 FEET
16 TO A CORNER, SAID CORNER BEING IN THE INTERSECTION OF
17 LEGISLATIVE ROUTE NOS. 365 AND 35053; THENCE IN THE RIGHT-OF-WAY
18 OF LEGISLATIVE ROUTE 35053, THE PLACE OF BEGINNING.

19 CONTAINING 171.22 ACRES OF LAND MORE OR LESS.

20 BEING PART OF THE PREMISES WHICH LACKAWANNA COUNTY
21 INSTITUTION DISTRICT BY ITS DEED DATED DECEMBER 10, 1948 AND
22 RECORDED AT SCRANTON IN THE COUNTY RECORDER OF DEEDS OFFICE IN
23 DEED BOOK 478, PAGE 577, GRANTED AND CONVEYED TO THE
24 COMMONWEALTH OF PENNSYLVANIA, IN FEE.

25 THE GRANTOR SHALL SPECIALLY WARRANT THE PROPERTY HEREIN
26 CONVEYED.

27 RESERVING AND EXCEPTING THEREIN AND THEREOUT ALL THE OIL, GAS
28 AND MINERALS, INCLUDING COAL, UNTO THE GRANTOR HEREIN, ITS
29 SUCCESSORS AND ASSIGNS, AND THE RIGHT TO ENTER UPON, EXPLORE AND
30 USE EQUIPMENT ON THE SURFACE, SUBJECT TO RESTORATION OF SAME TO

1 ITS ORIGINAL CONDITION, SO AS NOT TO OBSTRUCT AND SO AS TO
2 MINIMIZE INTERFERENCE WITH, THE USE OF THE SURFACE BY GRANTEES,
3 THEIR HEIRS AND ASSIGNS, TOGETHER WITH THE RIGHT TO REMOVE SUCH
4 OIL, GAS AND MINERALS IN ACCORDANCE WITH THE LAW.

5 UNDER AND SUBJECT TO THE RESTRICTIONS, LIMITATIONS AND
6 CONDITIONS THAT THE LAND HEREIN DESCRIBED AND ANY IMPROVEMENTS
7 THEREON SHALL BE USED, ADDED AND LIMITED TO AGRICULTURAL,
8 HORTICULTURAL, FORESTLAND, LIVESTOCK OR OPEN SPACE USES AS
9 DEFINED IN SECTION 2 OF THE ACT OF JANUARY 19, 1968 (1967
10 P.L.992, NO.442), ENTITLED "AN ACT AUTHORIZING THE COMMONWEALTH
11 OF PENNSYLVANIA AND THE LOCAL GOVERNMENT UNITS THEREOF TO
12 PRESERVE, ACQUIRE OR HOLD LAND FOR OPEN SPACE USES."

13 UNDER AND SUBJECT TO ALL EASEMENTS, SERVITUDES AND RIGHTS OF
14 OTHERS, INCLUDING BUT NOT CONFINED TO STREETS, ROADWAYS, AND
15 RIGHTS OF ANY TELEPHONE, TELEGRAPH, WATER, ELECTRIC, GAS OR
16 PIPELINE COMPANIES, AS WELL AS UNDER AND SUBJECT TO ANY ESTATES
17 OR TENANCIES VESTED IN THIRD PERSONS, WHETHER OR NOT APPEARING
18 OF RECORD, FOR ANY PORTION OF THE LAND OR IMPROVEMENTS ERECTED
19 THEREON.

20 (B) EXECUTION.--THE INSTRUMENT REMOVING THE OPEN SPACE LAND
21 USE RESTRICTIONS SHALL BE EXECUTED BY THE SECRETARY OF GENERAL
22 SERVICES IN THE NAME OF THE COMMONWEALTH OF PENNSYLVANIA.

23 (C) COSTS.--COSTS AND FEES INCIDENTAL TO THE TRANSACTION
24 AUTHORIZED BY THIS SECTION SHALL BE BORNE BY THE PROPERTY
25 OWNERS.

26 Section ~~6~~ 4. This act shall take effect immediately.

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