

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 917 Session of
2007

INTRODUCED BY WOZNIAK, JUNE 6, 2007

REFERRED TO STATE GOVERNMENT, JUNE 6, 2007

AN ACT

1 Authorizing and directing the Department of General Services,
2 with the approval of the Governor, to grant and convey to CDM
3 Ebensburg, LLC, certain lands situate in Cambria Township,
4 Cambria County.

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

7 Section 1. Conveyance in Cambria Township, Cambria County.

8 (a) Authorization.--The Department of General Services, with
9 the approval of the Governor, is hereby authorized on behalf of
10 the Commonwealth to grant and convey to CDM Ebensburg, LLC,
11 certain lands, containing a residential dwelling, situate in
12 Cambria Township, Cambria County, for fair market value as
13 determined by independent appraisal.

14 (b) Property description.--The property to be conveyed
15 pursuant to this section consists of approximately 5.00-acres of
16 land and all improvements thereon bounded and more particularly
17 described as follows:

18 ALL that certain lot or piece of ground situate in Cambria

1 Township, Cambria County bounded and more particularly described
2 as follows:

3 BEGINNING at a point at the intersection of SR 0022 and SR
4 3032 on the Southerly Right-of-Way line of SR 0022 and the
5 Easterly Right-of-Way of SR 3032. Thence the following three
6 courses and distances:

- 7 1. North 54 degrees 02 minutes 40 seconds East for a
8 distance of 609.00 feet along the Southerly Right-of-Way
9 line of SR 0022 to a point on a line. Thence;
- 10 2. South 35 degrees 57 minutes 20 seconds East for a
11 distance of 374.02 feet to a point on a line. Thence;
- 12 3. South 54 degrees 02 minutes 40 seconds West for a
13 distance of 516.21 feet to the beginning of a point of
14 curvature, thence along the Easterly Right-of-Way of SR
15 3032 the following three courses and distances:
- 16 4. By a curve turning to the left having a radius of 2286.60
17 feet and an arc length of 76.02 feet, and whose long
18 chord bears North 57 degrees 07 minutes 56 seconds West
19 for a distance of 76.02 feet to a point. Thence;
- 20 5. North 56 degrees 05 minutes 05 seconds West for a
21 distance of 278.92 feet to the beginning of a point of
22 curvature,
- 23 6. By a curve turning to the right having a radius of 30.00
24 feet and an arc length of 57.66 feet, and whose long
25 chord bears North 01 degrees 01 minutes 11 seconds West
26 for a distance of 49.19 feet to the point of BEGINNING.

27 CONTAINING 5.00-acres, more or less.

28 BEING a portion of the same property conveyed by the General
29 State Authority to the Commonwealth of Pennsylvania, acting by
30 and through the Department of General Services, by Deed dated

1 June 16, 1989, and recorded on January 16, 1990, in the Office
2 of the Recorder of Deeds of Cambria County, in Deed Book Volume
3 1230, Page 502.

4 (c) Conditions of conveyance.--The conveyance shall be made
5 under and subject to all lawful and enforceable easements,
6 servitudes and rights of others, including, but not confined to,
7 streets, roadways and rights of any telephone, telegraph, water,
8 electric, gas or pipeline companies, as well as under and
9 subject to any lawful and enforceable estates or tenancies
10 vested in third persons appearing of record, for any portion of
11 the land or improvements erected thereon.

12 (d) Restriction.--The conveyance authorized under this
13 section shall be made under and subject to the condition, which
14 shall be contained in the deed of conveyance, that no portion of
15 the property conveyed shall be used as a licensed facility, as
16 defined in 4 Pa.C.S. § 1103 (relating to definitions), or any
17 other similar type of facility authorized under State law. The
18 condition shall be a covenant running with the land and shall be
19 binding upon the grantee, its successors and assigns. Should the
20 grantee, its successors or assigns, permit any portion of the
21 property authorized to be conveyed in this section to be used in
22 violation of this subsection, the title shall immediately revert
23 to and revest in the grantor.

24 (e) Deed.--The deed of conveyance shall be by Special
25 Warranty Deed and shall be executed by the Secretary of General
26 Services in the name of the Commonwealth.

27 (f) Costs and fees.--Costs and fees incidental to this
28 conveyance shall be borne by the grantee.

29 (g) Use of proceeds.--The proceeds from the sale authorized
30 herein may be utilized by the Department of General Services to

1 construct, purchase or lease a temporary or replacement
2 residence for the superintendent for the Ebensburg Center. The
3 Department of General Services may reimburse itself for costs
4 and fees incurred as a result of the conveyance, including, but
5 not limited to, appraisals, surveys and environmental reports.
6 Any funds remaining after payment for construction, purchase or
7 lease of a replacement residence for the superintendent and
8 reimbursement of costs and fees to the Department of General
9 Services shall be deposited into the General Fund.

10 (h) Construction contract.--Notwithstanding any other
11 provision of law governing the letting of public contracts to
12 the contrary, the Department of General Services may award a
13 single contract for the construction of a new residence for the
14 superintendent for the Ebensburg Center. Construction of the
15 replacement residence is exempt from the requirements of the act
16 of May 1, 1913 (P.L.155, No.104), entitled "An act regulating
17 the letting of certain contracts for the erection, construction,
18 and alteration of public buildings."

19 (i) Alternate disposition.--In the event that this
20 conveyance is not executed within 12 months of the effective
21 date of this section, the property may be disposed of in
22 accordance with section 2406-A of the act of April 9, 1929
23 (P.L.177, No.175), known as The Administrative Code of 1929.
24 Section 2. Effective date.

25 This act shall take effect immediately.