

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1054 Session of
2015

INTRODUCED BY WARD, NOVEMBER 10, 2015

REFERRED TO STATE GOVERNMENT, NOVEMBER 10, 2015

AN ACT

1 Authorizing the Department of General Services, with the
2 approval of the Governor, to grant and convey to ACMIII, LP,
3 certain lands of the Commonwealth of Pennsylvania situate in
4 Derry Township, Westmoreland County.

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

7 Section 1. Conveyance in Derry Township, Westmoreland 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 of Pennsylvania to grant and convey to ACMIII,
11 LP certain lands, and any improvements located thereon, situate
12 in Derry Township, Westmoreland County, for \$36,000.00 and under
13 terms and conditions to be established in an Agreement of Sale
14 with the Department of General Services.

15 (b) Property description.--The property to be conveyed
16 pursuant to this section consists of a tract of land totaling
17 11.40 acres more or less, and any improvements thereon, bounded
18 and more particularly described as follows:

19 ALL THAT CERTAIN LOT OR PIECE OF LAND situate in Derry

1 Township, County of Westmoreland, described as follows, to wit:

2 BEGINNING at a point in Torrance Road where said point is at
3 the intersection of Parcel 3 and Parcel 4 of the lands of N/F
4 ACM III LP, thence from said point of beginning, South 18
5 degrees 35 minutes 13 seconds West, a distance of 1632.45 feet
6 to a point being the most northerly point of said parcel being
7 the true place of beginning, thence from said point and through
8 lands of ACM III LP Parcel 3, South 44 degrees 44 minutes 12
9 seconds East, a distance of 554.39 feet to an iron pin, thence
10 by same, South 31 degrees 54 minutes 59 seconds West, a distance
11 of 815.16 feet to an iron pin, thence by same, North 51 degrees
12 06 minutes 59 seconds West, a distance of 635.61 feet to an iron
13 pin, thence by same, North 37 degrees 56 minutes 51 seconds
14 East, a distance of 870.86 feet to an iron pin being the place
15 of beginning.

16 CONTAINING: 11.40-acres more or less.

17 BEING Tax Parcel No. 45-18-00-0-074.

18 ALSO BEING the same premises conveyed by H. C. Frick Co. to
19 the Commonwealth of Pennsylvania by deed, dated July 27, 1920,
20 and recorded in the Recorder of Deeds Office of the County of
21 Westmoreland in Deed Book 704, Page 343.

22 (c) Easements.--The conveyance shall be made under and
23 subject to all lawful and enforceable easements, servitudes and
24 rights of others, including, but not confined to, streets,
25 roadways and rights of any telephone, telegraph, water,
26 electric, gas or pipeline companies, as well as under and
27 subject to any lawful and enforceable estates or tenancies
28 vested in third persons appearing of record, for any portion of
29 the land or improvements erected thereon.

30 (d) Prohibited use.--Any conveyance authorized under this

1 section shall be made under and subject to the condition, which
2 shall be contained in the deed of conveyance, that no portion of
3 the property conveyed shall be used as a licensed facility, as
4 defined in 4 Pa.C.S. § 1103 (relating to definitions), or any
5 other similar type of facility authorized under State law. The
6 condition shall be a covenant running with the land and shall be
7 binding upon the Grantee, its successors and assigns. Should the
8 Grantee, its successors or assigns, permit any portion of the
9 property authorized to be conveyed in this section to be used in
10 violation of this subsection, the title shall immediately revert
11 to and revest in the Grantor.

12 (e) Deed.--The deed of conveyance shall be by Special
13 Warranty Deed and shall be executed by the Secretary of General
14 Services in the name of the Commonwealth of Pennsylvania.

15 (f) Costs.--Costs and fees incidental to this conveyance
16 shall be borne by the Grantee.

17 (g) Alternate disposition.--In the event that the Department
18 of General Services and the Grantee cannot reach a mutually
19 acceptable agreement of sale within one year from the effective
20 date of this section, the property may be disposed of in
21 accordance with section 2405-A of the act of April 9, 1929
22 (P.L.177, No.175), known as The Administrative Code of 1929.

23 (h) Deposit of proceeds.--Proceeds from the sale shall be
24 deposited into the General Fund.

25 Section 2. Effective date.

26 This act shall take effect immediately.