

AMENDMENTS TO HOUSE BILL NO. 1945

Sponsor: SENATOR SMUCKER

Printer's No. 3537

1 Amend Bill, page 1, line 28, by striking out "AND"

2 Amend Bill, page 1, line 32, by striking out the period after
3 "COUNTY" and inserting

4 ; authorizing the Department of General Services, with the
5 approval of the Pennsylvania Historical and Museum Commission
6 and the Governor, to grant and convey to Fort LeBoeuf
7 Historical Society, certain lands situate in the Borough of
8 Waterford, Erie County; authorizing and directing the
9 Department of General Services, with the approval of
10 Millersville University of Pennsylvania of the State System
11 of Higher Education and the Governor, to grant and convey to
12 Penn Manor School District certain lands situate in the
13 Borough of Millersville, Lancaster County, and further
14 authorizing and directing the Department of General Services
15 to accept, in exchange, a conveyance of certain lands situate
16 in the Borough of Millersville, Lancaster County, from the
17 Penn Manor School District; authorizing the Department of
18 General Services, with the approval of the Governor, to
19 remove and release the restrictive use and reversionary
20 covenants imposed on certain real property situate in the
21 City of Scranton, Lackawanna County; partially removing and
22 releasing restrictive use covenants on certain lands situate
23 in Benner Township, Centre County; and authorizing the
24 Department of General Services, with the approval of the
25 Attorney General and the concurrence of the Department of
26 Environmental Protection, to lease to Philadelphia Waterfront
27 Partners, LP, land within the bed of the Delaware River
28 within the City of Philadelphia.

29 Amend Bill, page 9, lines 8 through 10, by striking out
30 "FOLLOWING RECEIPT OF THE PLAN, THE GENERAL ASSEMBLY MAY" in
31 line 8 and all of lines 9 and 10

32 Amend Bill, page 9, by inserting between lines 13 and 14

33 (g) Relocation.--The Department of General Services shall

1 prepare other facilities to receive Commonwealth employees who
2 will be displaced by the sale of the property.

3 (h) Conveyance.--Following the receipt of the plan under
4 subsection (e), the General Assembly shall convey the property
5 described in subsection (b) within 18 legislative days. The
6 General Assembly may add additional conditions or amendments to
7 specific parcel transfers and other conditions as appropriate.

8 Amend Bill, page 9, line 18, by striking out "DEVELOPMENT
9 CORPORATION" and inserting

10 Development, Inc.

11 Amend Bill, page 26, by inserting between lines 10 and 11

12 Section 8. Conveyance of Washington Monument Park in Borough of
13 Waterford, Erie County.

14 (a) Authorization.--The Department of General Services, with
15 the approval of the Pennsylvania Historical and Museum
16 Commission and the Governor, is hereby authorized on behalf of
17 the Commonwealth of Pennsylvania to grant and convey to the Fort
18 LeBoeuf Historical Society certain lands and any improvements
19 thereon described in subsection (b), the property being known
20 locally as the Washington Monument Park, situate in the Borough
21 of Waterford, Erie County, for \$1.

22 (b) Description of property.--The property to be conveyed
23 pursuant to this section consists of approximately 0.104-acres,
24 including any improvements located thereon, more particularly
25 described as follows:

26 Tract 1

27 ALL THAT CERTAIN piece or parcel of land situate in the
28 Borough of Waterford, County of Erie, and Commonwealth of
29 Pennsylvania, bounded and described as follows, to wit:

30 BEGINNING at a point fifty (50) feet west of the west line of
31 High Street and twenty (20) feet north of the north line of
32 First Alley; thence southwardly, parallel with High Street, four
33 (4) feet and eight (8) inches to a point; thence eastwardly and
34 parallel with First Alley, four (4) feet and eight (8) inches to
35 a point; thence northerly and parallel with High Street, four
36 (4) feet and eight (8) inches to a point; thence westwardly,
37 parallel with First Alley, four (4) feet and eight (8) inches to
38 the place of BEGINNING.

39 BEING the same property conveyed to the Commonwealth of
40 Pennsylvania, from the Fort LeBoeuf Chapter, Daughters of
41 American Colonists, by deed dated April 11, 1945, and recorded
42 in Erie County Deed Book No. 454, Page 396.

43 Tract 2

44 ALL THAT CERTAIN piece or lot of land situated in the Borough
45 of Waterford, in the County of Erie, and Commonwealth of
46 Pennsylvania, bounded and described as follows, to wit:

47 COMMENCING at the southeast corner of what is N/F known as

1 the Eagle Hotel Lot on High Street; thence westwardly along
2 same, eighty-two and one-half (82 1/2) feet; thence southwardly
3 along said lot and parallel with High Street, fifty-five (55)
4 feet to First Alley; thence eastwardly, eighty-two and one-half
5 (82 1/2) feet to High Street; thence along High Street
6 northwardly, fifty-five (55) feet to the PLACE OF BEGINNING.

7 BEING the same property conveyed to the Commonwealth of
8 Pennsylvania, from the Fort LeBoeuf Chapter, Daughters of
9 American Colonists, by deed dated August 16, 1950, and recorded
10 in Erie County in Deed Book 573, Page 131.

11 EXCEPTING THEREFROM, however, a piece of land four (4) feet
12 and eight (8) inches square, heretofore conveyed by the Fort
13 LeBoeuf Chapter, Daughters of the American Colonists, to the
14 Commonwealth of Pennsylvania, by deed dated April 11, 1945, and
15 recorded in Deed Book 454, Page 396.

16 Being Parcel ID #46-9-57-2

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

25 (d) Gaming restriction.--Any conveyance authorized under
26 this section shall be made under and subject to the condition,
27 which shall be contained in the deed of conveyance, that no
28 portion of the property conveyed shall be used as a licensed
29 facility, as defined in 4 Pa.C.S. § 1103 (relating to
30 definitions), or any other similar type of facility authorized
31 under State law. The condition shall be a covenant running with
32 the land and shall be binding upon the grantee and its
33 successors. Should the grantee, or its successors, permit any
34 portion of the property authorized to be conveyed in this
35 section to be used in violation of this subsection, the title
36 shall immediately revert to and revest in the grantor.

37 (e) Restrictive covenant.--The following restrictive
38 covenants shall be included in the deed of conveyance:

39 Declaration of Covenants
40 Washington Monument Park
41 Borough of Waterford, Erie County, Pennsylvania

42 (1) Covenants.

43 (a) The deed of transfer of this property, which
44 property shall hereinafter be described in this
45 agreement as "Washington Monument Park," shall
46 contain the following language: "Fort LeBoeuf
47 Historical Society and its successors, (hereafter
48 referred to as "FLHS") covenants and agrees to assume
49 responsibility for the maintenance, preservation, and
50 administration of the property in a manner that is
51 satisfactory to the Pennsylvania Historical and

1 Museum Commission ("Commission") for a demonstrable
2 public benefit in perpetuity; under and subject to
3 the condition that the buildings and lands conveyed
4 herein shall be accessible to the public."

5 (b) The provisions of these covenants, hereinafter
6 expressed as covenants running with the land, are
7 herein set forth so as to ensure the maintenance and
8 preservation of the qualities, natural resources and
9 historical characteristics of Washington Monument
10 Park.

11 (2) Standards for Historic Preservation.

12 (a) Washington Monument Park shall be maintained and
13 preserved in accordance with the Secretary of the
14 Interior's Standards for the Treatment of Historic
15 Properties.

16 (b) No construction, alteration, rehabilitation,
17 remodeling, demolition, site development, ground
18 disturbance, or other action shall be undertaken or
19 permitted to said property without the prior written
20 permission from the Commission.

21 (c) Prior to the commencement of work, FLHS agrees to
22 notify, in writing, the Commission of all such work
23 on said property in advance.

24 (d) The Commission will be given forty-five (45) days
25 from receipt of the notice (sent via certified mail)
26 to review and approve in writing the appropriateness
27 of said work. If no response is provided within
28 forty-five (45) days, consent shall be implied.

29 (3) Requirements and Standards for Archaeological
30 Investigation.

31 (a) For work that involves ground disturbance, the
32 Commission may require archaeological investigation,
33 for which FLHS shall have financial responsibility.

34 (b) In the event that archaeological materials are
35 discovered during ground-disturbing activities, work
36 shall temporarily cease, and the Commission shall be
37 consulted for instructions prior to proceeding with
38 the work.

39 (c) Any archaeological work shall be conducted in
40 accordance with the Secretary of the Interior's
41 Standards and Guidelines for Archaeological
42 Documentation (48FR 447344-37) and any such standards
43 and guidelines as the Commission may specify.

44 (4) Access.

45 FLHS shall allow the Commission, at all reasonable times
46 and upon reasonable advance notice to FLHS, access to
47 inspect said property to ensure compliance with this
48 preservation covenant.

49 (5) Right of Reverter.

50 (a) The deed of conveyance shall contain a clause that
51 the title to the property shall immediately revert to

1 and re-vest in the Commonwealth should FLHS sell or
2 transfer the property or permit the property to be
3 used for any purpose other than as a museum, or
4 related business and/or curatorial offices, for any
5 length of time.

6 (b) FLHS may petition the Commission for a waiver of
7 this provision if a proposed usage would meet the
8 spirit of this agreement.

9 (c) The Commission must specifically approve any waiver
10 of this provision.

11 (6) Binding in Perpetuity.

12 (a) This covenant is binding on FLHS and its successors
13 in perpetuity.

14 (b) This covenant shall be binding servitude upon the
15 property and shall be deemed to run with the land.

16 (c) Execution of this covenant shall constitute evidence
17 that FLHS agrees to be bound by the foregoing
18 conditions and restrictions and to perform the
19 obligations herein set forth.

20 (f) Deed of conveyance.--The deed of conveyance shall be
21 executed by the Secretary of General Services in the name of the
22 Commonwealth of Pennsylvania.

23 (g) Costs and fees.--Costs and fees incidental to this
24 conveyance shall be borne by the grantee.

25 (h) Expiration.--In the event that the conveyance is not
26 effectuated within one year of the effective date of this
27 section, the authority contained in this section shall expire.
28 Section 9. Conveyance of Fort LeBoeuf Museum in Borough of
29 Waterford, Erie County.

30 (a) Authorization.--The Department of General Services, with
31 the approval of the Pennsylvania Historical and Museum
32 Commission and the Governor, is hereby authorized on behalf of
33 the Commonwealth of Pennsylvania to grant and convey to the Fort
34 LeBoeuf Historical Society certain lands and any improvements
35 thereon described in subsection (b), the property being known
36 locally as the Fort LeBoeuf Museum situate in the Borough of
37 Waterford, Erie County, for \$1.

38 (b) Description of property.--The property to be conveyed
39 pursuant to this section consists of approximately 1.17-acres,
40 including any improvements located thereon, more particularly
41 described as follows:

42 ALL THAT CERTAIN piece or parcel of land situate in the
43 Borough of Waterford, Erie County, Pennsylvania, being a
44 rectangle 155 feet by 330 feet, on the east side of High Street
45 (Route #19), bounded by First Alley, Cherry Street (unopened)
46 and Water Street (unopened).

47 BEING the same piece or parcel of land acquired by the
48 Commonwealth of Pennsylvania, pursuant to Declaration of Taking,
49 filed in the Office of the Prothonotary of the Court of Common
50 Pleas of Erie County on September 30, 1968, at No. 2782 A Term
51 1968, with a notice of the Declaration of Taking recorded at the

1 Office of the Recorder of Deeds of Erie County at Book 990, Page
2 84.

3 BEING Parcel ID #46-9-58-4.

4 (c) Conditions.--The conveyance shall be made under and
5 subject to all lawful and enforceable easements, servitudes and
6 rights of others, including, but not confined to, streets,
7 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) Gaming restriction.--Any conveyance authorized under
13 this section shall be made under and subject to the condition,
14 which shall be contained in the deed of conveyance, that no
15 portion of the property conveyed shall be used as a licensed
16 facility, as defined in 4 Pa.C.S. § 1103 (relating to
17 definitions), or any other similar type of facility authorized
18 under State law. The condition shall be a covenant running with
19 the land and shall be binding upon the grantee and its
20 successors. Should the grantee, or its successors, permit any
21 portion of the property authorized to be conveyed in this
22 section to be used in violation of this subsection, the title
23 shall immediately revert to and revest in the grantor.

24 (e) Restrictive covenant.--The following restrictive
25 covenants shall be included in the deed of conveyance:

26 Declaration of Covenants

27 Fort LeBoeuf Museum

28 Borough of Waterford, Erie County, Pennsylvania

29 (1) Covenants.

30 (a) The deed of transfer of this property, which
31 property shall hereinafter be described in this
32 agreement as "Fort LeBoeuf Museum," shall contain the
33 following language: "Fort LeBoeuf Historical Society
34 and its successors, (hereafter referred to as "FLHS")
35 covenants and agrees to assume responsibility for the
36 maintenance, preservation, and administration of the
37 property in a manner that is satisfactory to the
38 Pennsylvania Historical and Museum Commission
39 ("Commission") for a demonstrable public benefit in
40 perpetuity; under and subject to the condition that
41 the buildings and lands conveyed herein shall be
42 accessible to the public."

43 (b) The provisions of these covenants, hereinafter
44 expressed as covenants running with the land, are
45 herein set forth so as to ensure the maintenance and
46 preservation of the qualities, natural resources and
47 historical characteristics of Fort LeBoeuf Museum.

48 (2) Standards for Historic Preservation.

49 (a) Fort LeBoeuf Museum shall be maintained and
50 preserved in accordance with the Secretary of the
51 Interior's Standards for the Treatment of Historic

1 Properties.

2 (b) No construction, alteration, rehabilitation,
3 remodeling, demolition, site development, ground
4 disturbance, or other action shall be undertaken or
5 permitted to said property without the prior written
6 permission from the Commission.

7 (c) Prior to the commencement of work, FLHS agrees to
8 notify, in writing, the Commission of all such work
9 on said property in advance.

10 (d) The Commission will be given forty-five (45) days
11 from receipt of the notice (sent via certified mail)
12 to review and approve in writing the appropriateness
13 of said work. If no response is provided within
14 forty-five (45) days, consent shall be implied.

15 (3) Requirements and Standards for Archaeological
16 Investigation.

17 (a) For work that involves ground disturbance, the
18 Commission may require archaeological investigation,
19 for which FLHS shall have financial responsibility.

20 (b) In the event that archaeological materials are
21 discovered during ground-disturbing activities, work
22 shall temporarily cease, and the Commission shall be
23 consulted for instructions prior to proceeding with
24 the work.

25 (c) Any archaeological work shall be conducted in
26 accordance with the Secretary of the Interior's
27 Standards and Guidelines for Archaeological
28 Documentation (48FR 447344-37) and any such standards
29 and guidelines as the Commission may specify.

30 (4) Access.

31 FLHS shall allow the Commission, at all reasonable times
32 and upon reasonable advance notice to FLHS, access to
33 inspect said property to ensure compliance with this
34 preservation covenant.

35 (5) Right of Reverter.

36 (a) The deed of conveyance shall contain a clause that
37 the title to the property shall immediately revert to
38 and re-vest in the Commonwealth should FLHS sell or
39 transfer the property or permit the property to be
40 used for any purpose other than as a museum, or
41 related business and/or curatorial offices, for any
42 length of time.

43 (b) FLHS may petition the Commission for a waiver of
44 this provision if a proposed usage would meet the
45 spirit of this agreement.

46 (c) The Commission must specifically approve any waiver
47 of this provision.

48 (6) Binding in Perpetuity.

49 (a) This covenant is binding on FLHS and its successors
50 in perpetuity.

51 (b) This covenant shall be binding servitude upon the

1 property and shall be deemed to run with the land.

2 (c) Execution of this covenant shall constitute evidence
3 that FLHS agrees to be bound by the foregoing
4 conditions and restrictions and to perform the
5 obligations herein set forth.

6 (f) Deed of conveyance.--The deed of conveyance shall be
7 executed by the Secretary of General Services in the name of the
8 Commonwealth of Pennsylvania.

9 (g) Costs and fees.--Costs and fees incidental to this
10 conveyance shall be borne by the grantee.

11 (h) Expiration.--In the event that the conveyance is not
12 effectuated within one year of the effective date of this
13 section, the authority contained in this section shall expire.
14 Section 10. Conveyance of Judson House in Borough of Waterford,
15 Erie County.

16 (a) Authorization.--The Department of General Services, with
17 the approval of the Pennsylvania Historical and Museum
18 Commission and the Governor, is hereby authorized on behalf of
19 the Commonwealth of Pennsylvania to grant and convey to the Fort
20 LeBoeuf Historical Society certain lands and any improvements
21 thereon described in subsection (b), the property being known
22 locally as the Judson House situate in the Borough of Waterford,
23 Erie County, for \$1.

24 (b) Description of property.--The property to be conveyed
25 pursuant to this section consists of approximately 0.5871-acres,
26 including any improvements located thereon, more particularly
27 described as follows:

28 Tract 1

29 ALL THAT CERTAIN piece or parcel of land situate in the
30 Borough of Waterford, County of Erie and Commonwealth of
31 Pennsylvania, being Lots Nos. Seven (7) and Eight (8) of
32 Garrison Lots in said Borough.

33 The said lots are situate at the southeast intersection of
34 High Street and First Street, in said Borough, and front for a
35 distance of 105 feet on the south side of First Street and
36 extends southerly therefrom a distance of 155 feet on the east
37 side of High Street.

38 Excepting and reserving however, from the above described
39 land all that easterly portion consisting of a 60 foot frontage
40 on First Street and extending to a depth of 155 feet therefrom
41 in a southerly direction.

42 BEING the same piece or parcel of land conveyed to the
43 Commonwealth of Pennsylvania, from Frank R. Johnston, et al, by
44 deed dated July 8, 1949, and recorded in Erie County Deed Book
45 542, Page 549.

46 Tract 2

47 ALL THAT CERTAIN piece or parcel of land situate in the
48 Borough of Waterford, County of Erie and Commonwealth of
49 Pennsylvania, being the east sixty (60) feet fronting on the
50 southerly side of First Street to an alley, and extending
51 southwardly at a uniform depth of one hundred fifty-five (155)

1 feet, of lots Nos. 7 and 8 of the Garrison Lots in the Borough
2 of Waterford, more fully bounded and described as follows, to
3 wit:

4 BEGINNING at a point in the south line of First Street, one
5 hundred five (105) feet eastwardly from the point of
6 intersection of the south line of First Street with the east
7 line of High Street; thence southwardly parallel with the east
8 line of High Street, one hundred and fifty-five (155) feet, more
9 or less, to the north line of an alley; thence eastwardly along
10 the north line of said alley, and parallel with the south line
11 of First Street, sixty (60) feet to a point; thence northwardly
12 parallel with the east line of High Street, one hundred and
13 fifty-five (155) feet, more or less, to the south line of First
14 Street; and thence westwardly along the south line of First
15 Street, sixty (60) feet to the place of BEGINNING.

16 BEING the same piece or parcel of land conveyed to the
17 Commonwealth of Pennsylvania, from Miriam Kuhns, unmarried, and
18 Cynthia Ensworth, widow, by deed dated March 21, 1950, and
19 recorded in Erie County Deed Book 560, Page 348.

20 BEING Parcel ID #46-9-58-1.

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

29 (d) Gaming restriction.--Any conveyance authorized under
30 this section shall be made under and subject to the condition,
31 which shall be contained in the deed of conveyance, that no
32 portion of the property conveyed shall be used as a licensed
33 facility, as defined in 4 Pa.C.S. § 1103 (relating to
34 definitions), or any other similar type of facility authorized
35 under State law. The condition shall be a covenant running with
36 the land and shall be binding upon the grantee and its
37 successors. Should the grantee, or its successors, permit any
38 portion of the property authorized to be conveyed in this
39 section to be used in violation of this subsection, the title
40 shall immediately revert to and revest in the grantor.

41 (e) Restrictive covenant.--The following restrictive
42 covenants shall be included in the deed of conveyance:

43 Declaration of Covenants

44 Judson House

45 Borough of Waterford, Erie County, Pennsylvania

46 (1) Covenants.

47 (a) The deed of transfer of this property, which
48 property shall hereinafter be described in this
49 agreement as "Judson House," shall contain the
50 following language: "Fort LeBoeuf Historical Society
51 and its successors, (hereafter referred to as "FLHS")

1 covenants and agrees to assume responsibility for the
2 maintenance, preservation, and administration of the
3 property in a manner that is satisfactory to the
4 Pennsylvania Historical and Museum Commission
5 ("Commission") for a demonstrable public benefit in
6 perpetuity; under and subject to the condition that
7 the buildings and lands conveyed herein shall be
8 accessible to the public."

9 (b) The provisions of these covenants, hereinafter
10 expressed as covenants running with the land, are
11 herein set forth so as to ensure the maintenance and
12 preservation of the qualities, natural resources and
13 historical characteristics of Judson House.

14 (2) Standards for Historic Preservation.

15 (a) Judson House shall be maintained and preserved in
16 accordance with the Secretary of the Interior's
17 Standards for the Treatment of Historic Properties.

18 (b) No construction, alteration, rehabilitation,
19 remodeling, demolition, site development, ground
20 disturbance, or other action shall be undertaken or
21 permitted to said property without the prior written
22 permission from the Commission.

23 (c) Prior to the commencement of work, FLHS agrees to
24 notify, in writing, the Commission of all such work
25 on said property in advance.

26 (d) The Commission will be given forty-five (45) days
27 from receipt of the notice (sent via certified mail)
28 to review and approve in writing the appropriateness
29 of said work. If no response is provided within
30 forty-five (45) days, consent shall be implied.

31 (3) Requirements and Standards for Archaeological
32 Investigation.

33 (a) For work that involves ground disturbance, the
34 Commission may require archaeological investigation,
35 for which FLHS shall have financial responsibility.

36 (b) In the event that archaeological materials are
37 discovered during ground-disturbing activities, work
38 shall temporarily cease, and the Commission shall be
39 consulted for instructions prior to proceeding with
40 the work.

41 (c) Any archaeological work shall be conducted in
42 accordance with the Secretary of the Interior's
43 Standards and Guidelines for Archaeological
44 Documentation (48FR 447344-37) and any such standards
45 and guidelines as the Commission may specify.

46 (4) Access.

47 FLHS shall allow the Commission, at all reasonable times
48 and upon reasonable advance notice to FLHS, access to
49 inspect said property to ensure compliance with this
50 preservation covenant.

51 (5) Right of Reverter.

1 (a) The deed of conveyance shall contain a clause that
2 the title to the property shall immediately revert to
3 and revert in the Commonwealth should FLHS sell or
4 transfer the property or permit the property to be
5 used for any purpose other than as a museum, or
6 related business and/or curatorial offices, for any
7 length of time.

8 (b) FLHS may petition the Commission for a waiver of
9 this provision if a proposed usage would meet the
10 spirit of this agreement.

11 (c) The Commission must specifically approve any waiver
12 of this provision.

13 (6) Binding in Perpetuity.

14 (a) This covenant is binding on FLHS and its successors
15 in perpetuity.

16 (b) This covenant shall be binding servitude upon the
17 property and shall be deemed to run with the land.

18 (c) Execution of this covenant shall constitute evidence
19 that FLHS agrees to be bound by the foregoing
20 conditions and restrictions and to perform the
21 obligations herein set forth.

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

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

28 (h) Expiration.--In the event that the conveyance is not
29 effectuated within one year of the effective date of this
30 section, the authority contained in this section shall expire.
31 Section 11. Conveyance in Borough of Millersville, Lancaster
32 County.

33 (a) Authorization.--The Department of General Services, with
34 the approval of Millersville University of Pennsylvania of the
35 State System of Higher Education and the Governor, is hereby
36 authorized and directed on behalf of the Commonwealth of
37 Pennsylvania to grant and convey to Penn Manor School District
38 certain land and improvements thereon situate in the Borough of
39 Millersville, Lancaster County, and is further authorized and
40 directed on behalf of the Commonwealth of Pennsylvania to accept
41 in exchange certain land and improvements thereon to be conveyed
42 by the Penn Manor School District to the Commonwealth of
43 Pennsylvania, acting by and through the Department of General
44 Services, and to add the same to the existing lands of the
45 Commonwealth of Pennsylvania at Millersville University of
46 Pennsylvania.

47 (b) Property to be conveyed to Penn Manor School District.--
48 The property to be conveyed to Penn Manor School District
49 pursuant to subsection (a) consists of approximately 0.890-acres
50 of land and improvements thereon bounded and more particularly
51 described as follows:

1 ALL THAT CERTAIN tract of land tract of land situate
2 southwest of Circle Drive in the Borough of Millersville,
3 Lancaster County, Pennsylvania shown as "Area B" on the Layout
4 Plan Subdivision/Lot Add-On Plan for Millersville University
5 prepared by RETTEW Associates, Inc. drawing number 015372001,
6 dated February 2012, and being more fully bounded and described
7 below:

8 BEGINNING AT A POINT the easternmost corner of the herein
9 described tract, said point being the southeast corner of lands,
10 now or formerly, of Penn Manor School District; thence extending
11 in and through lands, now or formerly, of The General State
12 Authority the following three (3) courses and distances: 1)
13 South 57° 23' 34" West, a distance of 105.181' to an iron pin to
14 be set; 2) South 66° 32' 49" West, a distance of 395.148' to an
15 iron pin to be set; and 3) North 63° 31' 42" West, a distance of
16 180.821' to an iron pin to be set along lands, now or formerly,
17 of Penn Manor School District; thence along the same North 77°
18 43' 38" East, a distance of 627.305' to the POINT AND PLACE OF
19 BEGINNING.

20 CONTAINING 0.8907 acres of land, more or less.

21 (c) Property to be conveyed to the Commonwealth.--The land
22 to be accepted in the name of the Commonwealth of Pennsylvania,
23 acting by and through the Department of General Services
24 pursuant to subsection (a) consists of approximately 2.328 acres
25 of land and improvements thereon and is bounded and more
26 particularly described as follows:

27 ALL THAT CERTAIN tract of land situate southwest of Circle Drive
28 in the Borough of Millersville, Lancaster County, Pennsylvania
29 shown as "Area A" on the Layout Plan Subdivision/Lot Add On Plan
30 for Millersville University prepared by RETTEW Associates, Inc.
31 drawing number 015372001, dated February 2012, and being more
32 fully bounded and described below:

33 BEGINNING AT A POINT, the northeast corner of the herein
34 described tract, said point being a corner of lands, now or
35 formerly, of Penn Manor School District; thence along lands, now
36 or formerly, of Ted E. and Diane T. Silar, South 24° 12' 04"
37 East, a distance of 400.74' to an iron pin to be set, a corner
38 of Area A; thence along the same South 77° 04' 29" West, a
39 distance of 265.01' to an iron pin to be set along lands, now or
40 formerly, of The General State Authority; thence along the same
41 North 23° 37' 37" West, a distance of 384.77' to a point, a
42 corner of lands, now or formerly, of Penn Manor School District;
43 thence along the same North 73° 45' 55" East, a distance of
44 258.53' to a point, a corner of lands, now or formerly, of Ted
45 E. and Diane T. Silar; the POINT AND PLACE OF BEGINNING.

46 CONTAINING 2.328 acres of land.

47 (d) Easements.--The conveyances shall be made under and
48 subject to all lawful and enforceable easements, servitudes and
49 rights of others, including but not confined to streets,
50 roadways and rights of any telephone, telegraph, water,
51 electric, gas or pipeline companies, as well as under and

1 subject to any lawful and enforceable estates or tenancies
2 vested in third persons appearing of record, for any portion of
3 the land or improvements erected thereon.

4 (e) Deeds.--

5 (1) The deed of conveyance for the property to be
6 conveyed to Penn Manor School District by the Department of
7 General Services pursuant to subsection (a) shall be a
8 special warranty deed and shall be executed by the Secretary
9 of General Services in the name of the Commonwealth of
10 Pennsylvania.

11 (2) The deed of conveyance for the property to be
12 conveyed to the Commonwealth of Pennsylvania, acting by and
13 through the Department of General Services, by Penn Manor
14 School District pursuant to subsection (a) shall be a special
15 warranty deed and shall be executed by the appropriate
16 officers of the school district.

17 (f) Authority granted to Secretary of General Services.--The
18 Secretary of General Services is hereby authorized to grant or
19 reserve any easements on Commonwealth-owned real property at
20 Millersville University of Pennsylvania as may be necessary to
21 effectuate the purposes of this section or to otherwise protect
22 the interests of the Commonwealth.

23 (g) Costs.--The costs and fees incidental to the conveyances
24 hereby authorized shall be borne equally by the Penn Manor
25 School District and Millersville University of Pennsylvania of
26 the State System of Higher Education.

27 Section 12. Release of restrictive use and reversionary
28 covenants in City of Scranton, Lackawanna County.

29 (a) Authorization.--The Department of General Services, with
30 the approval of the Governor, is hereby authorized on behalf of
31 the Commonwealth to remove and release the restrictive use and
32 reversionary covenants imposed on certain real property conveyed
33 to Scranton Primary Health Care Center, Inc., by the Department
34 of General Services pursuant to the authority contained in the
35 act of February 14, 1980 (P.L.9, No.6), entitled "Authorizing
36 and directing the Department of General Services, with the
37 approval of the Governor, to convey to the Scranton Primary
38 Health Care Center, Inc., a certain parcel of land together with
39 a building erected thereon, situate in the City of Scranton,
40 County of Lackawanna, Pennsylvania," on such terms, conditions
41 and for consideration to be established in a legally binding
42 agreement acceptable to the Secretary of General Services.

43 (b) Property description.--The restrictions to be released
44 pursuant to subsection (a) are on a tract of land totaling
45 approximately 0.50-acres, more particularly described as
46 follows:

47 All that certain lot, piece or parcel of land, situate in the
48 City of Scranton, Lackawanna County, described as follows:

49 Lots Number Twenty-three (23) and Twenty-four (24) in Square
50 or Block Number Two Hundred Twenty-six (226) and situate upon a
51 street called and known as Wyoming Avenue upon the plot of

1 Scranton, intended to be duly registered and recorded, said lots
2 being together eighty (80) feet in front and one hundred sixty-
3 seven (167) feet in depth; and rectangular with an alley in the
4 rear sixteen (16) feet wide for public use.

5 Containing approximately 0.50-acres of land.

6 Being the same property conveyed to Scranton Primary Health
7 Care Center, Inc., by the Commonwealth of Pennsylvania, acting
8 by and through the Department of General Services, by its deed,
9 dated August 1, 1980, and recorded in the Recorder of Deeds of
10 Lackawanna County at Deed Book 228, Page 570 through Page 573.

11 (c) Form of release.--Any legal instruments necessary to
12 remove and release the restrictive use and reversionary
13 covenants shall be executed by the Secretary of General Services
14 in the name of the Commonwealth.

15 (d) Costs.--Any costs and fees incidental to the removal of
16 the restrictive use and reversionary covenants shall be borne by
17 the Grantee.

18 (e) Proceeds.--Proceeds received by the Department of
19 General Services for the release of the restrictive use and
20 reversionary covenants shall be deposited into the General Fund.
21 Section 13. Partial removal and release of restrictive use
22 covenants in Benner Township, Centre County.

23 (a) Authorization.--The Department of General Services, with
24 the approval of the Governor, is hereby authorized on behalf of
25 the Commonwealth of Pennsylvania to partially remove and release
26 the restrictive covenants as to sole use for passive
27 recreational open space, but not as to that portion of the
28 restrictive covenants relating to the benefit of the public at
29 large, and to remove and release the restrictive covenant as to
30 the conveyance and recordation of a perpetual conservation
31 easement, under terms, conditions and for consideration
32 acceptable to the Department of General Services, imposed on
33 certain real property in Benner Township, Centre County,
34 conveyed to Benner Township by the Department of General
35 Services pursuant to the authority contained in section 2(d) of
36 the act of July 9, 2010 (P.L.401, No.55), entitled "An act
37 authorizing the Department of General Services, with the
38 approval of the Governor, to grant and convey to The
39 Pennsylvania State University, certain lands situate in Benner
40 Township, Centre County; authorizing the Department of General
41 Services, with the approval of the Governor, to grant and convey
42 to Benner Township, certain lands situate in Benner Township,
43 Centre County; authorizing the Department of General Services,
44 with the approval of the Governor, to grant and convey to the
45 Pennsylvania Fish and Boat Commission, certain lands situate in
46 Benner Township, Centre County; and authorizing the Department
47 of General Services, with the approval of the Governor, to grant
48 and convey to the Pennsylvania Game Commission, certain lands
49 situate in Benner Township, Centre County," upon the terms and
50 conditions and for consideration acceptable to the Department of
51 General Services.

1 (b) Property description.--The restrictions to be partially
2 removed and released pursuant to subsection (a) are on two
3 tracts of land totaling approximately 5.0000 acres and 13.6033
4 acres, respectively, of land, gross area, more particularly
5 described as follows:

6 PARCEL BENNER A

7 ALL THAT CERTAIN PARCEL or tract of land in Benner Township,
8 Centre County, Pennsylvania identified as "PARCEL BENNER A" on
9 plans prepared by Sweetland Engineering and Associates, Inc.,
10 more fully bounded and described as follows:

11 Beginning at a point in the centerline of Rock Road, Benner
12 Township Road T-376, at the common southwestern corner of
13 "Parcel PGC A" and the northwestern corner of the herein
14 described parcel, said point having coordinates referenced to
15 the Pennsylvania State Plane Coordinate System North Zone, North
16 American Datum of 1983 of Northing 249820.5919 and Easting
17 1947763.3680;

18 Thence along "Parcel Benner A" the following three (3) courses:

- 19 1. N 24-17-11 E a distance of 16.50 feet to a point; Thence
- 20 2. N 17-58-42 E a distance of 342.76 feet to a point; Thence
- 21 3. S 68-49-38 E a distance of 572.82 feet to a point;

22 Thence along "Parcel DGS\DOC A" S 17-44-53 W a distance of
23 420.75 feet to a point;

24 Thence along the centerline of Rock Road the following two (2)
25 courses:

- 26 1. N 57-27-33 W a distance of 206.98 feet to a point; Thence
- 27 2. N 65-42-49 W a distance of 377.40 feet to the point of
28 beginning.

29 Containing 217,799 square feet or 5.0000 acres of land, gross
30 area, be the same more or less.

31 PARCEL BENNER D

32 Beginning at a point in the northern right-of-way line of
33 SR0150, the Benner Pike, a variable width right-of-way at the
34 intersection with the northeastern line of Prison Road "D", said
35 point having coordinates referenced to the Pennsylvania State
36 Plane Coordinate System North Zone, North American Datum of 1983
37 of Northing 255155.4238 and Easting 1960011.9833;

38 Thence along Prison Road "D" the following four (4) courses:

- 39 1. N 74-54-54 W a distance of 97.10 feet to a point; Thence
- 40 2. along a curve to the left having a radius of 555.00,
41 central angle of 32° 40' 16", chord bearing and distance of S
42 88-44-58 W a distance of 312.20 feet, an arc distance of 316.47
43 feet to a point; Thence
- 44 3. S 72-24-50 W a distance of 316.85 feet to a point; Thence
- 45 4. S 78-33-51 W a distance of 236.71 feet to a point;

46 Thence along the southern right-of-way line of SR6026, Section
47 C03 the following four (4) courses:

- 48 1. N 41-04-29 E a distance of 77.10 feet to a point; Thence
- 49 2. N 36-07-17 E a distance of 700.65 feet to a point; Thence
- 50 3. along a curve to the right having a radius of 2759.79,
51 central angle of 14° 31' 53", chord bearing and distance of N

1 43-23-13 E a distance of 698.06 feet, an arc distance of 699.94
2 feet to a point; Thence

3 4. along a curve to the right having a radius of 255.00,
4 central angle of 41° 33' 59", chord bearing and distance of N
5 71-26-09 E a distance of 180.96 feet, an arc distance of 184.99
6 feet to a point;

7 Thence along the northern right-of-way line of SR0150, the
8 Benner Pike, the following five (5) courses:

9 1. S 25-13-03 E a distance of 123.39 feet to a point; Thence
10 2. S 15-05-06 W a distance of 294.87 feet to a point; Thence
11 3. S 12-13-21 W a distance of 200.25 feet to a point; Thence
12 4. S 15-05-06 W a distance of 453.78 feet to a point; Thence
13 5. S 15-52-44 E a distance of 35.97 feet to the point of
14 beginning.

15 Containing 592,560 square feet or 13.6033 acres of land, gross
16 area, be the same more or less.

17 (c) Form of partial removal and release.--Any legal
18 instruments necessary to partially remove and release the
19 restrictive use covenants shall be executed by the Secretary of
20 General Services in the name of the Commonwealth of
21 Pennsylvania, provided that the portion of the restrictive use
22 covenants relating to the benefit of the public at large may not
23 be removed and released in such instruments.

24 (d) Costs.--Any costs and fees incidental to the partial
25 removal and release of the restrictive use covenants shall be
26 borne by the Grantee.

27 (e) Proceeds.--Any proceeds received by the Department of
28 General Services for the partial removal and release of the
29 restrictive use covenants shall be deposited into the General
30 Fund.

31 Section 14. Land within the Delaware River bed.

32 (a) Authorization.--The Commonwealth owns the lands within
33 the bed of the Delaware River, a portion of which is located in
34 the 5th Ward of the City of Philadelphia. Such lands located in
35 the 5th Ward are commonly known as Premises A (an area
36 immediately north of Pier No. 27 North), Pier No. 27 North, Pier
37 No. 27.5 North, Pier No. 31 North, Pier No. 32 North, Pier No.
38 33 North, Pier No. 34 North and Pier No. 35 North, and referred
39 to collectively as the "Properties," all of which are more fully
40 described in subsection (b).

41 (b) Property description.--The land to be leased is more
42 particularly described as follows:

43 PREMISES "A"

44 ALL THAT CERTAIN lot or piece of ground with the buildings
45 and improvements erected thereon. SITUATE in the 5th Ward of the
46 City of Philadelphia and described according to a Site Plan (FF-
47 1080 / 2012-309) made by Herman P. Ledger, P.L.S., Surveyor and
48 Regulator of the Fifth Survey District, dated January 29, 2013:
49 BEGINNING at the point on the easterly side of Christopher
50 Columbus Boulevard (On City Plan, 150' wide, Legally Open). Said
51 point being located the following two courses and distances

1 southwardly from the intersection of the easterly side of
2 Delaware Avenue (On City Plan, 150' wide, Legally Open) with the
3 southeasterly side of Penn Street (On City Plan, 60' wide,
4 Legally Open);

5 1.) S.18°17'00"W along the said Delaware Avenue, and then
6 continuing along the said easterly side of Christopher Columbus
7 Boulevard the distance of 862.843' to a point of intersection of
8 the said easterly side of Delaware Avenue with the southeasterly
9 side of Penn Street (On City Plan, 60' wide, Legally Open);

10 2.) S.15°16'00"W along the said Christopher Columbus Boulevard,
11 the distance of 216.875 to an angle point;

12 THENCE extending S.74°44'00"E. and partly crossing the Bulkhead
13 Line Established 1/5/1894, Approved by the Secretary Of War
14 9/10/1940 the distance of 553.380' to a point on the Pierhead
15 Line Established 1/20/1891, and Approved by the Secretary Of War
16 9/10/1940;

17 THENCE extending S.29°05'21"W along the said Pierhead Line the
18 distance of 159.031' to a point;

19 THENCE extending N.73°55'50"W. and partly crossing the said
20 Bulkhead Line the distance of 515.436' to a point on the said
21 easterly side of Christopher Columbus Boulevard (On City Plan,
22 150' wide, Legally Open);

23 THENCE extending N.15°16'00"E. along the said easterly side of
24 Christopher Columbus Boulevard the distance of 147.204' to a
25 point, being the first mentioned point and place of beginning;
26 Being Known As: Premises "A" on the above mentioned plan.

27 AREA OF PARCEL: 80,661 Square Feet 1.85173 Acres.

28 PREMISES "B"

29 ALL THAT CERTAIN lot or piece of ground with the buildings
30 and improvements erected thereon. SITUATE in the 5th Ward of the
31 City of Philadelphia and described according to a Site Plan (FF-
32 1080 / 2012-309) made by Herman P. Ledger, P.L.S., Surveyor and
33 Regulator of the Fifth Survey District, dated January 29, 2013:
34 BEGINNING at the point on the easterly side of Christopher
35 Columbus Boulevard (On City Plan, 150' wide, Legally Open) at a
36 distance of 800.531' southwardly from the intersection of the
37 easterly side of Delaware Avenue (On City Plan, 150' wide,
38 Legally Open) with the southeasterly side of Penn Street (On
39 City Plan, 60' wide, Legally Open);

40 THENCE extending S.71°40'00"E. and partly crossing the Bulkhead
41 Line Established 1/5/1894, Approved by the Secretary Of War
42 9/10/1940 the distance of 611.597' to a point on the Pierhead
43 Line Established 1/20/1891, and Approved by the Secretary Of War
44 9/10/1940;

45 THENCE extending S.29°05'21"W along the said Pierhead Line the
46 distance of 253.729' to a point;

47 THENCE extending N.74°44'00"W. and partly crossing the said
48 Bulkhead Line the distance of 553.380' to a point on the said
49 easterly side of Christopher Columbus Boulevard;

50 THENCE extending N.15°16'00"E. along the said easterly side of
51 Christopher Columbus Boulevard the distance of 216.875' to an

1 angle point;
2 THENCE extending N.18°17'00"E. along the said easterly side of
3 Christopher Columbus Boulevard the distance of 62.312' to a
4 point, being the first mentioned point and place of beginning;
5 Being Known As: Pier #27 on the above mentioned plan.
6 AREA OF PARCEL: 153,806 Square Feet 3.53092 Acres.

7 PREMISES "C"

8 ALL THAT CERTAIN lot or piece of ground with the buildings
9 and improvements erected thereon. SITUATE in the 5th Ward of the
10 City of Philadelphia and described according to a Site Plan (FF-
11 1080 / 2012-309) made by Herman P. Ledger, P.L.S., Surveyor and
12 Regulator of the Fifth Survey District, dated January 29, 2013:
13 BEGINNING at the point on the easterly side of Christopher
14 Columbus Boulevard (On City Plan, 150' wide, Legally Open) at a
15 distance of 676.448' southwardly from the intersection of the
16 easterly side of Delaware Avenue (On City Plan, 150' wide,
17 Legally Open) with the southeasterly side of Penn Street (On
18 City Plan, 60' wide, Legally Open);
19 THENCE extending S.71°40'00"E. and partly crossing the Bulkhead
20 Line Established 1/5/1894, Approved by the Secretary Of War
21 9/10/1940 the distance of 635.267' to a point on the Pierhead
22 Line Established 1/20/1891, and Approved by the Secretary Of War
23 9/10/1940;

24 THENCE extending S.29°05'21"W along the said Pierhead Line the
25 distance of 126.302' to a point;

26 THENCE extending N.71°40'00"W. and partly crossing the said
27 Bulkhead Line the distance of 611.597' to a point on the said
28 easterly side of Christopher Columbus Boulevard;

29 THENCE extending N.18°17'00"E. along the said easterly side of
30 Christopher Columbus Boulevard the distance of 124.083' to a
31 point, being the first mentioned point and place of beginning;
32 Being Known As: Pier #27 1/2 on the above mentioned plan.

33 AREA OF PARCEL: 77,357 Square Feet 1.77589 Acres.

34 PREMISES "D"

35 ALL THAT CERTAIN lot or piece of ground with the buildings
36 and improvements erected thereon. SITUATE in the 5th Ward of the
37 City of Philadelphia and described according to a Site Plan (FF-
38 1080 / 2012-309) made by Herman P. Ledger, P.L.S., Surveyor and
39 Regulator of the Fifth Survey District, dated January 29, 2013:
40 BEGINNING at the point on the easterly side of Delaware Avenue
41 (On City Plan, 150' wide, Legally Open) at a distance of
42 513.552' southwardly from the intersection of the said easterly
43 side of Delaware Avenue with the southeasterly side of Penn
44 Street (On City Plan, 60' wide, Legally Open);

45 THENCE extending S.71°40'00"E. and partly crossing the Bulkhead
46 Line Established 1/5/1894, Approved by the Secretary Of War
47 9/10/1940 the distance of 666.362' to a point on the Pierhead
48 Line Established 1/20/1891, and Approved by the Secretary Of War
49 9/10/1940;

50 THENCE extending S.29°05'21"W along the said Pierhead Line the
51 distance of 165.809' to a point;

1 THENCE extending N.71°40'00"W. and partly crossing the said
2 Bulkhead Line the distance of 635.267' to a point on the
3 easterly side of Christopher Columbus Boulevard (On City Plan,
4 150' wide, Legally Open);
5 THENCE extending N.18°17'00"E. partly along the said easterly
6 side of Christopher Columbus Boulevard and, also partly along
7 the said easterly side of Delaware Avenue the distance of
8 162.896' to a point, being the first mentioned point and place
9 of beginning;
10 Being Known As: Pier #31 on the above mentioned plan.
11 AREA OF PARCEL: 106,015 Square Feet 2.43378Acres.

12 PREMISES "E"

13 ALL THAT CERTAIN lot or piece of ground with the buildings
14 and improvements erected thereon. SITUATE in the 5th Ward of the
15 City of Philadelphia and described according to a Site Plan (FF-
16 1080 / 2012-309) made by Herman P. Ledger, P.L.S., Surveyor and
17 Regulator of the Fifth Survey District, dated January 29, 2013:
18 BEGINNING at the point on the easterly side of Delaware Avenue
19 (On City Plan, 150' wide, Legally Open) at a distance of
20 448.614' southwardly from the intersection of the said easterly
21 side of Delaware Avenue with the southeasterly side of Penn
22 Street (On City Plan, 60' wide, Legally Open);
23 THENCE extending S.71°40'00"E. and partly crossing the Bulkhead
24 Line Established 1/5/1894, Approved by the Secretary Of War
25 9/10/1940 the distance of 678.754' to a point on the Pierhead
26 Line Established 1/20/1891, and Approved by the Secretary Of War
27 9/10/1940;
28 THENCE extending S.29°05'21"W along the said Pierhead Line the
29 distance of 66.099' to a point;
30 THENCE extending N.71°40'00"W. and partly crossing the said
31 Bulkhead Line the distance of 666.362' to a point on the said
32 easterly side of Delaware Avenue;
33 THENCE extending N.18°17'00"E. along the said easterly side of
34 Delaware Avenue the distance of 64.938' to a point, being the
35 first mentioned point and place of beginning;
36 Being Known As: Pier #32 on the above mentioned plan.
37 AREA OF PARCEL: 43,674 Square Feet 1.00263 Acres.

38 PREMISES "F"

39 ALL THAT CERTAIN lot or piece of ground with the buildings
40 and improvements erected thereon. SITUATE in the 5th Ward of the
41 City of Philadelphia and described according to a Site Plan (FF-
42 1080 / 2012-309) made by Herman P. Ledger, P.L.S., Surveyor and
43 Regulator of the Fifth Survey District, dated January 29, 2013:
44 BEGINNING at the point on the easterly side of Delaware Avenue
45 (On City Plan, 150' wide, Legally Open) at a distance of
46 328.281' southwardly from the intersection of the said easterly
47 side of Delaware Avenue with the southeasterly side of Penn
48 Street (On City Plan, 60' wide, Legally Open);
49 THENCE extending S.71°40'00"E. and partly crossing the Bulkhead
50 Line Established 1/5/1894, Approved by the Secretary Of War
51 9/10/1940 the distance of 701.718' to a point on the Pierhead

1 Line Established 1/20/1891, and Approved by the Secretary Of War
2 9/10/1940;
3 THENCE extending S.29°05'21"W along the said Pierhead Line the
4 distance of 122.485' to a point;
5 THENCE extending N.71°40'00"W. and partly crossing the said
6 Bulkhead Line the distance of 678.754' to a point on the said
7 easterly side of Delaware Avenue;
8 THENCE extending N.18°17'00"E. along the said easterly side of
9 Delaware Avenue the distance of 120.333' to a point, being the
10 first mentioned point and place of beginning;
11 Being Known As: Pier #33 on the above mentioned plan.
12 AREA OF PARCEL: 83,058 Square Feet 1.90675 Acres.

13 PREMISES "G"

14 ALL THAT CERTAIN lot or piece of ground with the buildings
15 and improvements erected thereon. SITUATE in the 5th Ward of the
16 City of Philadelphia and described according to a Site Plan (FF-
17 1080 / 2012-309) made by Herman P. Ledger, P.L.S., Surveyor and
18 Regulator of the Fifth Survey District, dated January 29, 2013:
19 BEGINNING at the point on the easterly side of Delaware Avenue
20 (On City Plan, 150' wide, Legally Open) at a distance of
21 241.239' southwardly from the intersection of the said easterly
22 side of Delaware Avenue with the southeasterly side of Penn
23 Street (On City Plan, 60' wide, Legally Open);
24 THENCE extending S.71°40'00"E. and partly crossing the Bulkhead
25 Line Established 1/5/1894, Approved by the Secretary Of War
26 9/10/1940 the distance of 718.328' to a point on the Pierhead
27 Line Established 1/20/1891, and Approved by the Secretary Of War
28 9/10/1940;
29 THENCE extending S.29°05'21"W along the said Pierhead Line the
30 distance of 88.599' to a point;
31 THENCE extending N.71°40'00"W. and partly crossing the said
32 Bulkhead Line the distance of 701.718' to a point on the said
33 easterly side of Delaware Avenue;
34 THENCE extending N.18°17'00"E. along the said easterly side of
35 Delaware Avenue the distance of 87.042' to a point, being the
36 first mentioned point and place of beginning;
37 Being Known As: Pier #34 on the above mentioned plan.
38 AREA OF PARCEL: 61,801 Square Feet 1.41877 Acres.

39 PREMISES "H"

40 ALL THAT CERTAIN lot or piece of ground with the buildings
41 and improvements erected thereon. SITUATE in the 5th Ward of the
42 City of Philadelphia and described according to a Site Plan (FF-
43 1080 / 2012-309) made by Herman P. Ledger, P.L.S., Surveyor and
44 Regulator of the Fifth Survey District, dated January 29, 2013:
45 BEGINNING at the point on the easterly side of Delaware Avenue
46 (On City Plan, 150' wide, Legally Open) at a distance of
47 118.562' southwardly from the intersection of the said easterly
48 side of Delaware Avenue with the southeasterly side of Penn
49 Street (On City Plan, 60' wide, Legally Open);
50 THENCE extending S.71°40'00"E. and partly crossing the Bulkhead
51 Line Established 1/5/1894, Approved by the Secretary Of War

1 9/10/1940 the distance of 741.739' to a point on the Pierhead
2 Line Established 1/20/1891, and Approved by the Secretary Of War
3 9/10/1940;
4 THENCE extending S.29°05'21"W along the said Pierhead Line the
5 distance of 124.871' to a point;
6 THENCE extending N.71°40'00W. and partly crossing the said
7 Bulkhead Line the distance of 718.328' to a point on the said
8 easterly side of Delaware Avenue;
9 THENCE extending N.18°17'00"E. along the said easterly side of
10 Delaware Avenue the distance of 122.677' to a point, being the
11 first mentioned point and place of beginning;
12 Being Known As: Pier #35 on the above mentioned plan.
13 AREA OF PARCEL: 89,588 Square Feet 2.05597 Acres.

14 (c) Lease agreement.--The Department of General Services,
15 with the approval of the Attorney General and the concurrence of
16 the Department of Environmental Protection, acting on behalf of
17 the Commonwealth, is hereby authorized to enter into a lease of
18 the Properties to the City of Philadelphia (the "Lease") for a
19 term of 99 years, with an option in favor of the City of
20 Philadelphia to extend such term for all or any portion of the
21 Properties for up to 99 years. The Lease shall provide rent
22 payable to the Commonwealth upon the execution of the Lease, in
23 an amount to be determined by the Secretary of General Services,
24 and shall include such other terms and conditions as the
25 Department of General Services shall establish, with the
26 concurrence of the Department of Environmental Protection. The
27 Lease shall grant the City of Philadelphia the right to
28 sublease, and to permit the further subsubleasing,
29 subsubsubleasing and so on, of all or any portion of the
30 Properties for Maritime Purposes and/or for residential, office,
31 commercial, condominium, hotel, marina or other public uses. As
32 used in this section, the term "Maritime Purposes" means
33 activities directly related to the handling of cargo or
34 passengers for import or export through the Port of
35 Philadelphia.

36 (d) Nondisturbance agreement.--The Department of General
37 Services, with the concurrence of the Department of
38 Environmental Protection, acting on behalf of the Commonwealth,
39 is hereby authorized to enter into one or more nondisturbance
40 agreements with any sublessee of all or any portion of the
41 Properties pursuant to which the Commonwealth will agree that,
42 if the Commonwealth succeeds to the interest of the sublessor
43 under such sublessee's sublease, the Commonwealth will not
44 terminate such sublease unless the sublessee is in default.

45 (e) Improvements.--The Department of General Services, with
46 the approval of the Attorney General, is hereby authorized to
47 permit, on behalf of the Commonwealth, any declaration or other
48 documents necessary to submit the Properties or any portion
49 thereof and any improvements thereon to the provisions of 68
50 Pa.C.S. Pt. II Subpt. B (relating to condominiums) as a
51 leasehold condominium. Development of the parcels authorized to

1 be leased in this section shall be consistent with public and
2 Maritime Purposes.

3 (f) Free public assess.--

4 (1) The City of Philadelphia, all sublessees and their
5 respective successors and assigns shall provide and maintain
6 at least the following free public access to the riverfront
7 for recreation activities:

8 (i) Public walkways on the riverfront, including
9 water edge promenades along the entire water edge of the
10 Properties and adjacent to the water and providing free
11 public access to the water and allowing for passive and
12 active recreational activities year around.

13 (ii) A free public park area along the public
14 walkway near the water.

15 (iii) Public parking. A minimum of ten free public
16 parking spaces available at all times located proximate
17 to the public walkway near the water edge and signage
18 indicating the free public parking.

19 (iv) Public access to the Delaware River which is
20 consistent with the Waterfront Setback requirements set
21 forth in Section 14-216(6)(g) of the Philadelphia Code
22 (enacted into law by an Ordinance enacting Bill No.
23 050465, passed by the City Council on June 16, 2005, and
24 signed by the Mayor on July 8, 2005).

25 (2) Should the lessee, any sublessee or any of their
26 respective successors or assigns wish to modify the public
27 access and parking required by this section, the lessee,
28 sublessee or the respective successor or assign must obtain
29 the prior written approval of the Department of Environmental
30 Protection and the Department of General Services, which
31 approval shall not be unreasonably withheld. The public
32 access and parking shall be completed and open to the public
33 no later than the date the first tenant or resident occupies
34 either the leasehold or the land adjacent to the leasehold.

35 (g) Land use restriction.--All leases authorized or referred
36 to under this section shall be made under and subject to the
37 condition, which shall be contained in the lease documents, that
38 no portion of the parcels shall be used as a licensed facility
39 as defined in 4 Pa.C.S. § 1103 (relating to definitions) or any
40 other similar type of facility authorized under the laws of this
41 Commonwealth. This condition shall be a covenant running with
42 the land and shall be binding upon the lessee and sublessees and
43 their respective successors and assigns. Should any portion of
44 any parcel authorized to be leased under this section be used in
45 violation of this subsection, the lease shall terminate
46 immediately.

47 (h) Other required measures.--Nothing in this section shall
48 affect or otherwise limit the requirements of the provisions of
49 the act of November 26, 1978 (P.L.1375, No.325), known as the
50 Dam Safety and Encroachments Act, which may require further
51 measures to provide for public access and use of the land and

1 adjacent water.

2 (i) Conditions binding.--The conditions imposed under this
3 section shall be covenants that run with the land and shall be
4 binding upon the lessee, any sublessee and their respective
5 successors and assigns. Should the lessee, any sublessee or any
6 of their respective successors or assigns permit the parcels
7 authorized to be leased under this section, or any portion
8 thereof, to be used in a manner inconsistent with the conditions
9 contained in this section, all rights and interests in the lease
10 authorized by this section shall terminate immediately.

11 (j) Costs and fees.--Costs and fees incidental to the lease
12 authorized by this section shall be borne by the lessee.

13 (k) Expiration.--In the event that the lease authorized by
14 this section does not occur within three years following the
15 effective date of this section, the authority contained in this
16 section shall be void.

17 Amend Bill, page 26, line 11, by striking out "8" and

18 inserting

19 15

20 Amend Bill, page 26, line 12, by striking out "IMMEDIATELY."

21 and inserting

22 as follows:

23 (1) Sections 8, 9 and 10 shall take effect in 60 days.

24 (2) The remainder of this act shall take effect
25 immediately.