

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL**No. 1160** Session of
1997

INTRODUCED BY PICCOLA, MOWERY, CORMAN, JUBELIRER, LOEPER,
LEMOND, KUKOVICH, BRIGHTBILL, DELP, HELFRICK, WENGER,
RHOADES, MADIGAN, ARMSTRONG, STOUT, BELL AND ROBBINS,
OCTOBER 16, 1997

SENATOR TILGHMAN, APPROPRIATIONS, RE-REPORTED AS AMENDED,
OCTOBER 27, 1997

AN ACT

1 Providing for the divestiture of airport property; imposing
2 obligations on the Department of Transportation; and making
3 an appropriation.

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

6 Section 1. Short title.

7 This act shall be known and may be cited as the Airport
8 Divestiture Act.

9 Section 2. Declaration of purpose.

10 It is the purpose of this act to authorize the Pennsylvania
11 Department of Transportation to transfer to the Susquehanna Area
12 Regional Airport Authority the real estate, buildings, assets
13 and obligations attendant to and necessary for the operation of
14 the Capital City Airport and Harrisburg International Airport.

15 Section 3. Definitions.

16 The following words and phrases when used in this act shall
17 have the meanings given to them in this section unless the

1 context clearly indicates otherwise:

2 "Account." The Aviation Restricted Revenue Account.

3 "Airports." The Capital City Airport and the Harrisburg
4 International Airport.

5 "Authority." The Susquehanna Area Regional Airport
6 Authority.

7 "Department." The Department of Transportation of the
8 Commonwealth.

9 "Property." All assets used in the operation of the
10 airports, including, but not limited to, all equipment,
11 machinery, fixtures, files, records, contracts, agreements,
12 receivables, licenses, certificates, permits and supplies. The
13 term shall include all legal or equitable interests in real and
14 personal property as well as all rights and obligations arising
15 out of the operation of the airports.

16 Section 4. Conveyance.

17 The department, with the approval of the Governor, is
18 authorized on behalf of the Commonwealth to convey to the
19 authority, prior to January 3, 1998, for the sum of \$1.00, all
20 property used in the operation of the airports and the following
21 land:

22 (1) All that parcel of land, situate in Lower Swatara
23 Township, County of Dauphin, and Commonwealth of Pennsylvania,
24 CONVEYED TO THE COMMONWEALTH OF PENNSYLVANIA BY THE HIGHSPIRE <—
25 BOATING ASSOCIATION BY DEED DATED APRIL 28, 1988, AND RECORDED
26 IN RECORD BOOK 1117, PAGES 32 THROUGH 34, IN THE OFFICE OF THE
27 RECORDER OF DEEDS OF DAUPHIN COUNTY ON MAY 23, 1988, described
28 as follows:

29 Containing 9.646 acres, more or less, being a portion of the
30 same property conveyed or devised to the Highspire Boating

1 Association, A/K/A Highspire Boat Club by indenture of the Penn
2 Central Corporation dated April 30, 1980, and recorded in Record
3 Book 129, Page 99, in the office of the Recorder of Deeds of
4 Dauphin County on May 30, 1980, which contains 18.391 Acres,
5 more less.

6 (2) All that parcel of land situate in the Borough of
7 Middletown, County of Dauphin, Commonwealth of Pennsylvania,
8 being a 1.808 acre, more or less, portion of the same property
9 conveyed or devised to The Pennsylvania Railroad Company by
10 indenture of The Pennsylvania Canal Company dated October 31,
11 1901, and recorded in Deed Book Z, Volume 10, Page 429 in the
12 Office of Recorder of Deeds of Dauphin County, Pennsylvania, the
13 1.808 acre parcel being bounded on the southeast by property
14 conveyed or devised to Middletown Borough Authority by indenture
15 of Robert W. Blanchette et al., Trustees of the Property of Penn
16 Central Transportation Company, dated September 30, 1976, and
17 being bounded on the northwest by property conveyed or devised
18 to the United States of America by indenture of The Pennsylvania
19 Railroad Company, dated September 15, 1965.

20 (3) All that tract, piece or parcel of land with the
21 improvements erected thereon, situate, lying and being in the
22 Township of Lower Swatara, County of Dauphin, Commonwealth of
23 Pennsylvania, bounded and described as follows:

24 Beginning at a point, said point being a corner common to the
25 land of the Olmsted Air Force Base and land, now or formerly, of
26 the Jednota Orphanage, on the northerly right-of-way line of the
27 Pennsylvania Railroad, said point being further located north 43
28 degrees 51 minutes east 242.64 feet or at the northeasterly
29 extremity of reference line A-C, said point being at the
30 southwesterly corner of the tract about to be described; thence,

1 with the land of the said orphanage the following bearings and
2 distances: north 19 degrees 10 minutes east 630.30 feet; north
3 11 degrees 6 minutes east 146.85 feet; north 11 degrees 9
4 minutes west 206.25 feet, and north 11 degrees 51 minutes east
5 297 feet, more or less, to the center line of Township Road 382;
6 thence continuing along the center line of Township Road 382,
7 south 76 degrees 21 minutes east 224.68 feet, more or less, to a
8 point, which point is also south of certain lands conveyed to
9 the Pennsylvania State University by deed dated May 12, 1966;
10 thence continuing along the center line of Township Road 382,
11 south 41 degrees 46 minutes east 198.60 feet, more or less, to a
12 point; thence continuing along the center line of Township Road
13 382 south 39 degrees 54 minutes east 797.19 feet; thence
14 continuing along the center line of said road south 65 degrees
15 33 minutes east 583.34 feet to a point; thence south 26 degrees
16 30 minutes west 453.85 feet to a point; thence with the Rosedale
17 Plan of Lots north 38 degrees 24 minutes west 84.25 feet; thence
18 by a curve to the right having a radius of 400 feet subtended by
19 the cord north 38 degrees 24 minutes west 103 feet to a point;
20 thence with the same north 53 degrees 9 minutes west 104.45 feet
21 to a point; thence south 18 degrees 40 minutes west 70.45 feet
22 to a point on the northeasterly line of the Old Pennsylvania
23 Canal; thence with the line of said canal the two following
24 courses: south 39 degrees 35 minutes east 12 feet and south 42
25 degrees 25 minutes east 138 feet to a point on the northeasterly
26 right-of-way line of State Route 230; thence with the said
27 highway the following bearings and distances; north 83 degrees
28 25 minutes west 108.85 feet; north 80 degrees 25 minutes west
29 372.90 feet; north 79 degrees 10 minutes west 676.50 feet; north
30 78 degrees 20 minutes west 209.55 feet to the place of

1 beginning.

2 Containing 29 acres, more or less, and being Tracts 22, 23,
3 24, 25, 26 and 27 acquired by the Government for the Olmsted Air
4 Force Base.

5 (4) All that tract, piece or parcel of land with the
6 improvements erected thereon, situate, lying and being in the
7 Township of Lower Swatara, County of Dauphin, Commonwealth of
8 Pennsylvania, bounded and described as follows:

9 Beginning at an iron pin, said iron pin being on the south
10 right-of-way line of the Pennsylvania Railroad Company, said
11 point also being the most westerly of this parcel; thence along
12 the said R.R.R./W.L. the following 23 courses: south 64 degrees
13 46 minutes 15 seconds east 405 feet to an iron pin; thence south
14 26 degrees 43 minutes 15 seconds west 36 feet to an iron pin;
15 thence south 64 degrees 46 minutes 15 seconds east 553.40 feet
16 to an iron pin; thence along a curve to the left south 71
17 degrees 9 seconds east a chord distance of 1254.14 feet to an
18 iron pin, said curve having a radius of 5769.15 feet, the arc
19 length of 1256.20 feet; thence south 78 degrees 5 minutes 45
20 seconds east 607.30 feet to an iron pin; thence south 73 degrees
21 10 minutes 45 seconds east 701.40 feet to a rail; thence south
22 78 degrees 35 minutes 45 seconds east 267.86 feet to a rail;
23 thence south 78 degrees 35 minutes 45 seconds east 18.64 feet to
24 a conc. mon.; thence south 87 degrees 11 minutes 45 seconds east
25 31.60 feet to a rail; thence south 87 degrees 11 minutes 45
26 seconds east 968.25 feet to a conc. mon.; thence south 87
27 degrees 11 minutes 45 seconds east 1019.85 feet to a conc. mon.;
28 thence south 82 degrees 37 minutes 45 seconds east 997.10 feet
29 to a rail; thence south 82 degrees 37 minutes 45 seconds east
30 900 feet to a post; thence south 25 degrees 42 minutes 15

1 seconds west 54.85 feet to a conc. mon.; thence south 81 degrees
2 1 minute 45 seconds east 754.10 feet to an iron pin; thence
3 north 40 degrees 1 minute 15 seconds east 86.69 feet to an iron
4 pin; thence south 78 degrees 31 minutes 45 seconds east 300.17
5 feet to a rail; thence south 77 degrees 3 minutes 45 seconds
6 east 1066 feet to a conc. mon.; thence south 21 degrees 11
7 minutes 15 seconds west 10.34 feet to a conc. mon.; thence south
8 77 degrees 14 minutes 35 seconds east 716.50 feet to an iron
9 pin; thence south 77 degrees 48 minutes 45 seconds east 63 feet
10 to an iron pin; thence south 80 degrees 36 minutes 45 seconds
11 east 211.93 feet to a railroad spike; thence south 81 degrees 27
12 minutes 45 seconds east 843.90 feet to a stake in the conc.
13 walk, said stake being in the southwest corner of the Wilson
14 Street Bridge over the Pennsylvania Railroad; thence south 31
15 degrees 19 minutes 45 seconds east 126.53 feet to a railroad
16 spike in Wilson Street; thence along the south side of Wilson
17 Street Extended south 59 degrees 6 minutes 45 seconds east
18 287.92 feet to a railroad spike in Grant Street; thence by the
19 same south 30 degrees 46 minutes 15 seconds west 260 feet to a
20 railroad spike in the south side of Ann Street Extended; thence
21 by the same south 59 degrees 6 minutes 45 seconds east 20 feet
22 to a railroad spike on the west side of Grant Street; thence by
23 the same south 30 degrees 46 minutes 15 seconds west 1107.36
24 feet to an iron pin in the side walk on the north side of Mud
25 Pike Extended; thence by the same north 51 degrees 57 minutes 45
26 seconds west 800.20 feet to a conc. mon.; thence south 15
27 degrees 20 minutes 15 seconds west 36.50 feet to a conc. mon.;
28 thence south 15 degrees 20 minutes 15 seconds west 95.55 feet to
29 an iron pin; thence south 57 degrees 45 seconds east 26.80 feet
30 to a conc. mon. on the line of Metropolitan Edison Company;

1 thence by the same the following seven courses, south 15 degrees
2 37 minutes 15 seconds west 140 feet to a conc. mon.; thence
3 north 66 degrees 30 minutes west 11.15 feet to a conc. mon.;
4 thence south 15 degrees 28 minutes west 1000 feet to a conc.
5 mon.; thence south 14 degrees 37 minutes 45 seconds west 230
6 feet to a conc. mon.; thence south 13 degrees 5 minutes 45
7 seconds west 405 feet to a conc. mon.; thence north 76 degrees
8 37 minutes 15 seconds west 14.80 feet to a conc. mon.; thence
9 south 13 degrees 13 minutes 45 seconds west 310.83 feet east to
10 a point, said point being on the shore line of the Susquehanna
11 River. Thence by the same the following five courses, north 76
12 degrees 46 minutes 15 seconds west 137.20 feet to a point;
13 thence south 26 degrees 50 minutes west 783.90 feet to a point;
14 thence north 63 degrees 10 minutes west 10340.60 feet to a
15 point; thence north 3 degrees 10 minutes west 864.30 feet to an
16 iron pin; thence north 57 degrees 1 minute west 310.94 feet to a
17 point; thence north 26 degrees 43 minutes 15 seconds east 430
18 feet to an iron pin, a place of beginning.

19 Containing 643.16 acres.

20 (5) All those tracts, pieces or parcels of land, situate in
21 Fairview Township, York County, Pennsylvania, bounded and
22 described as follows:

23 Beginning at an iron pin in the center line of the concrete
24 roadway of Lewisberry Road, at the intersection of said line
25 with the easterly line of York Road; thence along the center
26 line of said concrete roadway of the Lewisberry Road north 55
27 degrees 13 minutes east 200 feet to an iron pin; thence along
28 lands now or formerly of John E. Myers south 34 degrees 47
29 minutes east 331.1 feet to a point; thence along said lands now
30 or formerly of John E. Myers south 55 degrees 13 minutes west

1 119.91 feet to a point; thence by lands of same south 59 degrees
2 8 minutes west 80.25 feet to a point on the easterly line of
3 York Road; thence along the easterly line of York Road north 34
4 degrees 47 minutes west 325.6 feet to a point, the place of
5 beginning.

6 Being the same premises which Fred A. Gettys & Associate,
7 Inc., successor by merger to Johansen & Dugan, Inc., by its deed
8 dated April 4, 1991, and recorded in the York County Recorder's
9 Office in Deed Book 146, at page 1073, conveyed to Stephen R. &
10 Krista Y. Johansen, his wife.

11 (6) All those certain three tracts, pieces or parcels of
12 land, situate in Fairview Township, York County, Pennsylvania,
13 bounded and described as follows:

14 Tract No. 1

15 Beginning at a point in the center of the concrete highway at
16 the corner of the land herein conveyed and that of E. E. Flurrie
17 and other land of the grantors; thence along the line of land of
18 said E. E. Flurrie south 87 degrees 30 minutes east 195.6 feet
19 to a stone; thence continuing along the land of said E. E.
20 Flurrie north 2 degrees 30 minutes east 245 feet to a stone at
21 the corner of land herein conveyed and that of E. E. Flurrie and
22 Baron Von Bestecki; thence along the land of said Bestecki south
23 87 degrees 30 minutes east 1155.5 feet to a post at the corner
24 of the land herein conveyed and that of C. Garver; thence along
25 the line of land of said C. Garver south 17 degrees, 15 minutes
26 west 1759.25 feet to a stake at the corner of the land herein
27 conveyed and land of Edison and Chester Good; thence along the
28 land of said Good Brothers north 74 degrees 15 minutes west 722
29 feet, more or less, to a point in the center of the concrete
30 pavement of the Susquehanna Trail, or State Highway Route Number

1 111; thence along said trail and other land of the grantors,
2 north 14 degrees 52 minutes west 411.7 feet to a point in the
3 center of aforementioned concrete pavement; thence continuing
4 along the same north 6 degrees 17 minutes west 172 feet to a
5 crossmark in the center of said concrete pavement at the
6 intersection of the Lewisberry Road; thence continuing along the
7 Susquehanna Trail and other lands of the grantors north 1 degree
8 55 minutes west 552.8 feet to a point in the center of the
9 concrete pavement; thence continuing along the same north 3
10 degrees east 173 feet to the place and point of beginning.

11 Containing 39 acres.

12 EXCEPTING therefrom that parcel of land containing 3.21
13 acres, located along the southern boundary of the aforesaid
14 described tract of land, which exception was conveyed by the
15 CAPITAL LANDING FIELD COMPANY, by Deed Dated December 27, 1935,
16 to the Mt. Olivet Cemetery Association.

17 BEING the major portion of that tract of land which, by Deed
18 dated May 29, 1929, and recorded in Deed Book Vol. 24-K, page
19 689, was conveyed by Florence E. Huber to the CAPITAL LANDING
20 FIELD COMPANY.

21 Tract No. 2

22 Beginning at a post at the corner of Mt. Olivet Cemetery on
23 the Public Road; thence south 63.75 degrees east 50.8 perches to
24 a point near a white oak stump joining lands of Martin Kaufman;
25 thence south 75 degrees east 30 perches to a post; thence north
26 15.25 degrees east along lands of Jacob Haldeman heirs 253.3
27 perches to a point in the center of turnpike; thence south 88.25
28 degrees west 14 perches to a point in the center of turnpike;
29 thence north 73.75 degrees west 16.8 perches to a point in the
30 center of the pike; thence south 17 degrees west 1.2 perches to

1 a post; thence north 77.25 degrees west 13.8 perches to a post;
2 thence south 16.25 degrees west 13.2 perches to a point; thence
3 north 73.5 degrees west 74.4 perches to a post; thence south
4 16.25 degrees west 5.6 perches to a post; thence north seventy-
5 three and one-half (73.5) degrees west 4 perches to a post;
6 thence south 15.5 degrees west along the lands of A. Ross heirs
7 and Jacob Garver heirs 199.8 perches to a post; thence south 76
8 degrees east 43.7 perches to a post; thence south 14.25 degrees
9 west 20 perches to a post; the place of beginning.

10 Containing 175 acres and 142 perches.

11 EXCEPTING therefrom that parcel of land containing five (5)
12 acres and one hundred twenty-two and eight-tenth (122.8)
13 perches, more or less, which exception was conveyed to the Mt.
14 Olivet Cemetery Association by Annie Baughman by deed dated June
15 11, 1908, and recorded June 19, 1908 in York County Deed Book
16 Vol. 16-B, page 690.

17 ALSO EXCEPTING THEREFROM THAT PARCEL OF LAND CONTAINING <—
18 28,862.495 SQUARE FEET CONVEYED TO THE PATRICK W. MILANO
19 DETACHMENT, MARINE CORPS LEAGUE, PURSUANT TO THE ACT OF APRIL
20 20, 1988 (P.L.366, NO.58), DESCRIBED AS BEGINNING AT A POINT,
21 SAID POINT BEING THE SOUTHEAST CORNER OF ROSS AVENUE AND FIRST
22 STREET, THENCE BY THE SOUTHERN RIGHT-OF-WAY LINE OF ROSS AVENUE,
23 SOUTH 75 DEGREES 58 MINUTES 00 SECONDS EAST AT A DISTANCE OF
24 200.0 FEET TO A POINT AT LANDS OF PENNSYLVANIA DEPARTMENT OF
25 TRANSPORTATION, AIRPORT. THENCE BY THE SAME, GENERALLY FOLLOWING
26 THE TOE OF SLOPE, THE FOLLOWING THREE COURSES AND DISTANCES:

27 (1) SOUTH 50 DEGREES 48 MINUTES 50 SECONDS WEST A
28 DISTANCE OF 95.45 FEET TO A POINT.

29 (2) SOUTH 36 DEGREES 17 MINUTES 51 SECONDS WEST A
30 DISTANCE OF 96.02 FEET TO A POINT.

1 FIELD COMPANY.

2 Section 5. Easements, etc.

3 The conveyance shall be made under and subject to all
4 easements and rights of others, including, but not confined to,
5 streets, roadways and rights of any telephone, telegraph, water,
6 electric, sewer, gas or pipeline companies, and under and
7 subject to any interests, estates or tenancies vested in third
8 persons, whether or not appearing of record, with respect to any
9 portion of the land or improvements erected thereon.

10 Section 6. Indemnification.

11 (a) By department.--The department is authorized to
12 indemnify, defend, save and hold harmless the authority, its
13 members, officers, agents, tenants, consultants,
14 representatives, licensees, invitees and successors and assigns
15 for damages, claims, liabilities, losses, costs and expenses by
16 reason or arising out of:

17 (1) Any act or negligence or violation by the department
18 of any Federal, State or local law, statute, ordinance, rule
19 or regulation with respect to hazardous substances used,
20 located, spilled or disposed of on or at the airports or
21 other real property subject to the conveyance during the
22 department's ownership.

23 (2) Actions taken by the department prior to the date of
24 the conveyance pursuant to or in breach of any contract,
25 provided that the department does not waive the jurisdiction
26 of the Board of Claims as to certain matters or its rights to
27 sovereign immunity with regard to claims by third parties
28 against the department or the authority.

29 (b) By authority.--The authority shall indemnify, defend,
30 save and hold harmless the department and its officials and

1 employees for any damages, claims, liabilities, losses, costs
2 and expenses by reason or arising out of:

3 (1) Any act or negligence or violation by the authority
4 of any Federal, state or local law, statute, ordinance, rule
5 or regulation or agreement with any environmental agency or
6 authority with respect to hazardous substances used, located,
7 spilled or disposed of on or at the airports or other real
8 property subject to the conveyance.

9 (2) Actions allegedly taken by the authority subsequent
10 to the conveyance pursuant to or in breach of any contract
11 provided that the authority does not waive its rights to
12 sovereign immunity with regard to claims by third parties
13 against the authority or the department.

14 Section 7. Payment to authority; appropriation.

15 The department is authorized to pay to the authority, in
16 accordance with the terms of a divestiture agreement entered
17 into under this act, up to \$8,994,000 from the Aviation
18 Restricted Revenue Account in the Motor License Fund for the
19 continuing operation of the airports. Such funds as are
20 necessary, up to this amount, are hereby appropriated to the
21 department for fiscal year July 1, 1997, to June 30, 1998, for
22 the purpose of making the payment.

23 Section 8. Costs and fees.

24 (A) THE AUTHORITY WILL PAY TO THE DEPARTMENT, IN ACCORDANCE
25 WITH THE TERMS OF A DIVESTITURE AGREEMENT ENTERED INTO UNDER
26 THIS ACT, AN AMOUNT, NOT TO EXCEED \$16,214,326, EQUAL TO THE
27 PRINCIPAL BALANCE OR NECESSARY TO COVER DEBT SERVICE, AS OF THE
28 DATE OF CONVEYANCE, OF THE LOANS, BONDS, NOTES PAYABLE OR OTHER
29 INSTRUMENTS FOR CAPITAL IMPROVEMENTS AND OTHER CAPITAL COSTS AT
30 THE AIRPORTS.

<—

1 (B) ALL PAYMENTS TO THE DEPARTMENT MADE UNDER SUBSECTION (A)
2 SHALL BE CREDITED TO THE PUBLIC IMPROVEMENT PROJECT'S SUBACCOUNT
3 IN THE CAPITAL FACILITIES FUND.

4 (C) Costs and fees incidental to this conveyance shall be
5 borne by the authority.

6 Section 9. Effective date.

7 This act shall take effect immediately.