

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2024

Session of
2001

INTRODUCED BY WANSACZ, OCTOBER 16, 2001

AS REPORTED FROM COMMITTEE ON STATE GOVERNMENT, HOUSE OF
REPRESENTATIVES, AS AMENDED, NOVEMBER 13, 2001

AN ACT

1 Authorizing and directing the Department of General Services,
2 with the approval of the Department of Environmental
3 Protection and the Governor, to grant and convey to Moosic
4 Realty Company, certain lands situate in the Borough of
5 Moosic, County of Lackawanna.

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

8 Section 1. The Department of General Services, with the
9 approval of the Department of Environmental Protection, and the
10 Governor, is hereby authorized and directed on behalf of the
11 Commonwealth of Pennsylvania to grant and convey TO Moosic <—
12 Realty Company 14,360 square feet (0.33 acres), of land, more or
13 less, as described in section 2 for fair market value as
14 determined by independent appraisal.

15 Section 2. The property to be conveyed pursuant to section 1
16 consists of ALL THAT CERTAIN tract or lot of land situate in the
17 Borough of Moosic, County of Lackawanna, and Commonwealth of
18 Pennsylvania, bounded and described in accordance with a survey

1 thereof made by, Terrence McAllister, P.L.S., on June 14, 2001,
2 as follows, to wit:

3 BEGINNING at an iron pin corner marking the northwesterly
4 corner of the lands of Melio LoPrete et al and other lands of
5 Moosic Realty Company, said iron pin corner also being distant
6 one hundred fifty-eight and fifty-four hundredth (158.54) feet
7 on a bearing of North forty-two degrees fifty-seven minutes zero
8 seconds East from the intersection of the centerline of Brook
9 Street extended to the easterly right of way line of Elm Street;
10 thence North forty-two degrees fifty-seven minutes zero seconds
11 East a distance of forty-three and sixty-three hundredths
12 (43.63) feet to a point on the face of the concrete Moosic Flood
13 Control Project dike structure; thence along said structure on a
14 curve to the left with a radius of six hundred eighty-one and
15 zero hundredths (681.00) feet an Arc length of ten and seventy-
16 one hundredths (10.71) feet with a Chord bearing of South
17 twenty-nine degrees forty-one minutes and forty-seven seconds
18 East a distance of ten and seventy-one hundredths (10.71) feet
19 to a point of a compound curve at centerline station 189+50.64;
20 thence along said structure on a curve to the left with a Radius
21 of three hundred fifty-one and zero hundredths (351.00) feet an
22 Arc length of one hundred twenty and ninety hundredths (120.90)
23 feet with a Chord bearing Of South forty degrees twenty-six
24 minutes eighteen seconds a chord distance of one hundred twenty
25 and thirty-one hundredths (120.31) feet to a point of a compound
26 curve at centerline station 188+37.53; thence along said
27 structure on a curve to the left with a Radius of six hundred
28 eighty-one and zero hundreds (681.00) feet an Arc length of
29 seventy-five and forty-seven hundredths (75.47) feet with a
30 chord bearing of south fifty-three degrees twenty-eight minutes

1 twenty-three seconds East a chord distance of seventy-five and
2 forty-four hundredths (75.44) feet to a point of curve at
3 station 187+64.38; thence continuing along said structure south
4 fifty-six degrees thirty-nine minutes twenty-three seconds East
5 a distance of two hundred fifty-seven and fifty-one hundredths
6 (257.51) feet to a point of tangency at station 185+06.47;
7 thence continuing along said structure on a curve to the right
8 with a Radius of eight hundred fifty-nine and zero hundredths
9 (859.00) feet an Arc length of fifty-eight and ninety-seven
10 hundredths (58.97) feet with a Chord bearing of south fifty-four
11 degrees forty-one minutes twenty three seconds East a chord
12 distance of fifty-eight and ninety-six hundredths (58.96) feet
13 to a point on a compound curve at station 184+46.06; thence
14 along said structure on a curve to the right with a Radius of
15 four hundred nineteen (419.00) feet an Arc length of eighty-six
16 and twenty-five hundredths (86.25) feet with a Chord bearing
17 South forty-six degrees forty-nine minutes thirty-three seconds
18 East a chord distance of eighty-six and ten hundredths (86.10)
19 feet to a point on the curve; thence leaving the face of the
20 concrete structure North eighty-four degrees fifty four minutes
21 zero seconds West a distance of sixty-two and ten hundredths
22 (62.10) feet to a point on the easterly right-of-way line of Elm
23 Street and a perpendicular distance of twenty-nine and seventy-
24 eight (29.78) feet from said structure; thence North thirty-
25 eight degrees twenty-three minutes fifty-nine seconds West a
26 distance of eighty-six and forty-five hundredths (86.45) to a
27 point measured on a perpendicular distance of nineteen and zero
28 hundredths (19.00) feet to said structure; thence North seventy-
29 six degrees thirty minutes fifty-one seconds West a distance of
30 seventy-nine and forty-one hundredths (79.41) feet to a point

1 measured a perpendicular distance of forty-six and zero
2 hundredths (46.00) feet from said structure; thence North
3 thirty-eight degrees two minutes twenty-seven seconds West a
4 distance of one hundred and twenty-four hundredths (100.24) feet
5 to a point measured a perpendicular distance of fourteen and
6 zero hundredths (14.00) feet from said structure; thence North
7 fifty-seven degrees fifty-one minutes fifty-five seconds West a
8 distance of ninety-four and eighty hundredths (94.80) feet to a
9 point measured a perpendicular distance of sixteen and zero
10 hundredths (16.00) feet from said structure; thence North fifty-
11 eight degrees forty-eight minutes eighteen seconds West a
12 distance of one hundred forty-five and fifty-three hundredths
13 (145.53) feet to a point measured a perpendicular distance of
14 thirty-nine and zero hundredths (39.00) feet from said
15 structure; thence North thirty-seven degrees fifty-seven minutes
16 nineteen seconds West a distance of forty-seven and ninety-nine
17 hundredth (47.99) feet to a point measured a perpendicular
18 distance of thirty-nine and eighty-seven (39.87) feet from said
19 structure; thence North thirty-seven degrees fifty-seven minutes
20 nineteen seconds West a distance of seventeen and seventy-two
21 hundredths (17.72) to a point and place of beginning.

22 CONTAINING 14,360 square feet (0.33 acres) of land, more or
23 less.

24 EXCEPTING AND RESERVING to the Commonwealth of Pennsylvania, its
25 agencies or designees, the area encompassing a twelve (12) foot
26 wide earthen berm which runs adjacent to, and parallel with, the
27 existing concrete flood control structure.

28 Section 3. The conveyance shall be made under and subject to
29 Moosic Realty Company, granting and conveying the Commonwealth
30 of Pennsylvania, a permanent easement right-of-way through lands

1 of Moosic Realty Company, situate in the Borough of Moosic,
2 County of Lackawanna, and Commonwealth of Pennsylvania, bounded
3 and described in accordance with a survey thereof made by,
4 Terrence McAllister, P.L.S., as is hereinafter described:

5 BEGINNING at a iron pin set at the intersection of the
6 southeasterly line of lands of Moosic Realty Company and the
7 northerly right of way line of Elm Street, thence North thirty-
8 eight degrees twenty-three minutes fifty-nine seconds West a
9 distance of twenty-eight and ninety-four feet to a corner;
10 thence South Five degrees Six minutes zero seconds West a
11 distance of twenty and ninety-one hundredths (20.91) feet to a
12 point on the northerly right of way line of Elm Street; thence
13 along the northerly right of way line of Elm Street South eight-
14 four degrees fifty-four minutes zero seconds East a distance of
15 twenty and zero hundredths (20.00) feet to a point on the
16 northerly right-of-way line of Elm Street, the place of
17 beginning.

18 Section 4. The conveyance shall be made under and subject to
19 all lawful and enforceable easements, servitudes and rights of
20 others, including but not confined to streets, roadways and
21 rights of any telephone, telegraph, water, electric, gas or
22 pipeline companies, as well as under and subject to any lawful
23 and enforceable estates or tenancies vested in third persons
24 appearing of record, for any portion of the land or improvements
25 erected thereon.

26 Section 5. The deed of conveyance shall be by Special
27 Warranty Deed and shall be executed by the Secretary of General
28 Services in the name of the Commonwealth of Pennsylvania.

29 Section 6. Costs and fees incidental to this conveyance
30 shall be borne by the Grantee.

1 Section 7. In the event that this conveyance is not executed
2 within twelve (12) months of the effective date of this act, the
3 property may be disposed of in accordance with Article 2405-A of
4 the act of April 9, 1929 (P.L.177, No.175), known as The
5 Administrative Code of 1929.

6 Section 8. This act shall take effect immediately.