

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1055 Session of
2006

INTRODUCED BY REGOLA, JANUARY 3, 2006

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
JUNE 28, 2006

AN ACT

1 Authorizing and directing the Department of General Services,
2 with the approval of the Governor and the Pennsylvania
3 Historical and Museum Commission, to accept by donation a
4 tract of land and any improvements on the tract, situate in
5 Penn Township, Westmoreland County; AND AUTHORIZING THE
6 DEPARTMENT OF TRANSPORTATION, WITH THE APPROVAL OF THE
7 GOVERNOR, TO GRANT AND CONVEY TO AMFIRE MINING COMPANY, LLC,
8 THE RIGHT TO REMOVE COAL UNDERLYING CERTAIN HIGHWAY RIGHT-OF-
9 WAY SITUATE IN CRESSON TOWNSHIP, CAMBRIA COUNTY. <—

10 The General Assembly of the Commonwealth of Pennsylvania
11 hereby enacts as follows:

12 Section 1. Transfer in Penn Township, Westmoreland County.

13 (a) Acquisition authority.--The Department of General
14 Services, with the approval of the Governor and the Pennsylvania
15 Historical and Museum Commission, is authorized and directed on
16 behalf of the Commonwealth of Pennsylvania to accept by donation
17 from The Conservation Fund a tract of land and any improvements
18 on the tract as described in subsection (b).

19 (b) Property description.--The tract of land and any
20 improvements on the land to be donated by The Conservation Fund

1 under subsection (a) is located in Penn Township, Westmoreland
2 County, and is bounded and described as follows:

3 ALL THAT CERTAIN piece, parcel or plot of land situate in the
4 Township of Penn, County of Westmoreland and Commonwealth of
5 Pennsylvania, being all of Lot No. 1 in the Lazar Subdivision
6 No. 2, as recorded on March 26, 1996, in the Recorder's Office
7 of Westmoreland County, Pennsylvania, in Plan Book Volume 91,
8 pages 378 and 379.

9 CONTAINING an area of approximately 34.4339 acres.

10 (c) Easements.--The donation shall be made under and subject
11 to all recordable easements, servitudes and rights of others,
12 including streets, roadways and rights of any telephone,
13 telegraph, water, electric, cable, sewer, gas or pipeline
14 companies, as well as under and subject to any recordable
15 interest, estates or tenancies vested in third persons,
16 appearing of record, for any portion of the land or improvements
17 erected on the land.

18 (d) Deed.--The deed shall be prepared by the Grantor as
19 provided by law, subject to approval by the Department of
20 General Services and accepted on behalf of the Commonwealth of
21 Pennsylvania by the Department of General Services.

22 (e) Costs and fees.--Costs and fees incidental to the
23 donation shall be borne by the Grantee, unless otherwise
24 stipulated by previous agreement.

25 SECTION 2. AMFIRE MINING COMPANY, LLC.

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26 (A) CONVEYANCE AUTHORIZED.--THE DEPARTMENT OF
27 TRANSPORTATION, WITH THE APPROVAL OF THE GOVERNOR, IS AUTHORIZED
28 TO GRANT AND CONVEY TO AMFIRE MINING COMPANY, LLC, THE RIGHT TO
29 REMOVE COAL UNDERLYING HIGHWAY RIGHT-OF-WAY FOR STATE ROUTES
30 0022 AND 0053 (THE CRESSON INTERCHANGE) SITUATE IN CRESSON

1 TOWNSHIP, CAMBRIA COUNTY, AS DESCRIBED IN SUBSECTION (B), FOR
2 FAIR MARKET VALUE AS DETERMINED BY THE DEPARTMENT, WITH THE
3 APPROVAL OF THE GOVERNOR.

4 (B) PROPERTY DESCRIPTION.--THE HIGHWAY RIGHT-OF-WAY UNDER
5 WHICH THE DEPARTMENT IS AUTHORIZED TO GRANT AND CONVEY COAL
6 MINING RIGHTS PURSUANT TO THIS SECTION CONSISTS OF 87 ACRES,
7 MORE OR LESS, SHOWN AS REQUIRED RIGHT OF WAY FOR LEGISLATIVE
8 ROUTE 1101 (STATE ROUTE 0022) FROM STATION 407+19 TO STATION
9 441+81 AND LEGISLATIVE ROUTE 276 (STATE ROUTE 0053) FROM STATION
10 18+50 TO STATION 58+97, AS SHOWN ON PLANS ENTITLED "DRAWINGS
11 ESTABLISHING LIMITED ACCESS HIGHWAY AND AUTHORIZING CONDEMNATION
12 OF RIGHT-OF-WAY FOR LEG ROUTE 1101 SECTION G11R/W IN CAMBRIA
13 COUNTY, FROM STA 403+49.00 TO STA 541+15.00 LENGTH 13,700 FT.
14 2.608 MI., ALSO LEG ROUTE 276 SECTION 38R/W , FROM STA 8+00 TO
15 STA 65+25.00, LEG ROUTE 11028 SECTION 2R/2W, FROM STA 12+25.00
16 TO STA 48+25.00," SIGNED BY THE GOVERNOR ON APRIL 26, 1980, AND
17 RECORDED IN THE CAMBRIA COUNTY COURTHOUSE IN STATE HIGHWAY RIGHT
18 OF WAY BOOK A, PAGE 22, ON APRIL 29, 1980.

19 (C) CONDITIONS.--THE CONVEYANCE SHALL BE MADE UNDER AND
20 SUBJECT TO ALL OF THE FOLLOWING:

21 (1) LAWFUL AND ENFORCEABLE EASEMENTS, SERVITUDES AND
22 RIGHTS OF OTHERS.

23 (2) LAWFUL AND ENFORCEABLE ESTATES OR TENANCIES VESTED
24 IN THIRD PERSONS APPEARING OF RECORD OR NOT, FOR ANY PORTION
25 OF THE RIGHT-OF-WAY OR COAL RIGHTS.

26 (3) ALL COSTS OF REMEDIATION TO THE HIGHWAY
27 INFRASTRUCTURE DUE TO SUBSIDENCE CAUSED BY COAL MINING
28 OPERATIONS OF THE GRANTEE SHALL BE BORNE BY THE GRANTEE.

29 (4) OTHER TERMS AND CONDITIONS AS DEEMED APPROPRIATE BY
30 THE DEPARTMENT TO ADDRESS ISSUES RELATING TO THE REMOVAL OF

1 COAL UNDERLYING STATE HIGHWAYS BY AMFIRE WITHIN THE CRESSON
2 MINE PERMIT BOUNDARIES, WHETHER OR NOT THE COAL IS OWNED BY
3 THE COMMONWEALTH.

4 (D) CONVEYANCE.--THE CONVEYANCE SHALL BE BY OPTION AND LEASE
5 AGREEMENT EXECUTED BY THE SECRETARY OF TRANSPORTATION IN THE
6 NAME OF THE COMMONWEALTH.

7 (E) COSTS AND FEES.--COSTS AND FEES INCIDENTAL TO THE
8 CONVEYANCE SHALL BE BORNE BY THE GRANTEE.

9 Section 2 3. Effective date.

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10 This act shall take effect immediately.