

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1055 Session of
2006

INTRODUCED BY REGOLA, JANUARY 3, 2006

SENATE AMENDMENTS TO HOUSE AMENDMENTS, JULY 1, 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; AND <—
10 AUTHORIZING THE DEPARTMENT OF GENERAL SERVICES, WITH THE
11 APPROVAL OF THE GOVERNOR, TO GRANT AND CONVEY TO THE
12 ALLENTOWN COMMERCIAL INDUSTRIAL AUTHORITY, OR THEIR ASSIGNS,
13 CERTAIN LANDS SITUATE IN THE CITY OF ALLENTOWN AND THE CITY
14 OF BETHLEHEM, LEHIGH COUNTY, PENNSYLVANIA.

15 The General Assembly of the Commonwealth of Pennsylvania
16 hereby enacts as follows:

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

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

1 (b) Property description.--The tract of land and any
2 improvements on the land to be donated by The Conservation Fund
3 under subsection (a) is located in Penn Township, Westmoreland
4 County, and is bounded and described as follows:

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

11 CONTAINING an area of approximately 34.4339 acres.

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

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

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

27 Section 2. AMFIRE Mining Company, LLC.

28 (a) Conveyance authorized.--The Department of
29 Transportation, with the WRITTEN approval of the Governor, is
30 authorized to grant and convey to AMFIRE Mining Company, LLC,

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1 the right to remove coal underlying highway right-of-way for
2 State Routes 0022 and 0053 (the Cresson Interchange) situate in
3 Cresson Township, Cambria County, as described in subsection
4 (b), for fair market value as determined by ~~the department, with~~ <—
5 ~~the approval of the Governor~~ AN INDEPENDENT APPRAISAL. <—

6 (b) Property description.--The highway right-of-way under
7 which the department is authorized to grant and convey coal
8 mining rights pursuant to this section consists of 87 acres,
9 more or less, shown as required right of way for Legislative
10 Route 1101 (State Route 0022) from Station 407+19 to Station
11 441+81 and Legislative Route 276 (State Route 0053) from Station
12 18+50 to Station 58+97, as shown on plans entitled "Drawings
13 Establishing Limited Access Highway And Authorizing Condemnation
14 of Right-of-Way for Leg Route 1101 Section G11R/W In Cambria
15 County, From Sta 403+49.00 to Sta 541+15.00 Length 13,700 Ft.
16 2.608 Mi., Also Leg Route 276 Section 38R/W , From Sta 8+00 to
17 Sta 65+25.00, Leg Route 11028 Section 2R/2W, From Sta 12+25.00
18 to Sta 48+25.00," signed by the Governor on April 26, 1980, and
19 recorded in the Cambria County Courthouse in State Highway Right
20 of Way Book A, Page 22, on April 29, 1980.

21 (c) Conditions.--The conveyance shall be made under and
22 subject to all of the following:

23 (1) Lawful and enforceable easements, servitudes and
24 rights of others.

25 (2) Lawful and enforceable estates or tenancies vested
26 in third persons appearing of record or not, for any portion
27 of the right-of-way or coal rights.

28 (3) All costs of remediation to the highway
29 infrastructure due to subsidence caused by coal mining
30 operations of the grantee shall be borne by the grantee.

(4) Other terms and conditions as deemed appropriate by the department to address issues relating to the removal of coal underlying State highways by AMFIRE within the Cresson Mine Permit boundaries, whether or not the coal is owned by the Commonwealth.

(d) Conveyance.--The conveyance shall be by option and lease agreement executed by the Secretary of Transportation in the name of the Commonwealth.

(e) Costs and fees.--Costs and fees incidental to the conveyance shall be borne by the grantee.

SECTION 3. CONVEYANCE IN THE CITY OF ALLENTOWN AND THE CITY OF BETHLEHEM, LEHIGH COUNTY. <—

(A) AUTHORIZATION.--THE DEPARTMENT OF GENERAL SERVICES, WITH THE APPROVAL OF THE GOVERNOR, IS AUTHORIZED ON BEHALF OF THE COMMONWEALTH OF PENNSYLVANIA TO GRANT AND CONVEY TO THE ALLENTOWN COMMERCIAL INDUSTRIAL AUTHORITY, OR THEIR ASSIGNS, A CERTAIN TRACT OF LAND AND IMPROVEMENTS THEREON, BEING AN UNUSED PORTION OF THE ALLENTOWN STATE HOSPITAL, DESCRIBED IN SUBSECTION (B) UNDER TERMS AND CONDITIONS TO BE ESTABLISHED IN AN AGREEMENT OF SALE WITH THE DEPARTMENT OF GENERAL SERVICES.

(B) DESCRIPTION.--THE PROPERTY TO BE CONVEYED UNDER SUBSECTION (A) CONSISTS OF APPROXIMATELY 36.08 ACRES, MORE OR LESS, AND MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS, SUBJECT TO AN OFFICIAL SURVEY AND PLAN:

BEGINNING AT A POINT BEING THE POINT OF BEGINNING; THENCE S. 08 DEGREES 31 MINUTES 43 SECONDS E., A DISTANCE OF 327.98 FEET; THENCE S. 76 DEGREES 19 MINUTES 04 SECONDS W., A DISTANCE OF 1,186.33 FEET; THENCE S. 72 DEGREES 56 MINUTES 55 SECONDS W., A DISTANCE OF 285.07 FEET; THENCE S. 43 DEGREES 48 MINUTES 06 SECONDS W., A DISTANCE OF 727.05 FEET; THENCE S. 54 DEGREES 56

1 MINUTES 04 SECONDS W., A DISTANCE OF 603.06 FEET; THENCE N. 34
2 DEGREES 49 MINUTES 40 SECONDS W., A DISTANCE OF 160.00 FEET;
3 THENCE N. 55 DEGREES 10 MINUTES 20 SECONDS E., A DISTANCE OF
4 243.03 FEET; THENCE N. 27 DEGREES 11 MINUTES 30 SECONDS W., A
5 DISTANCE OF 394.57 FEET; THENCE CONTINUE NORTHWESTERLY ALONG
6 SAID LINE, A DISTANCE OF 637.91 FEET; THENCE N. 81 DEGREES 23
7 MINUTES 17 SECONDS E., A DISTANCE OF 531.03 FEET; THENCE S.43
8 DEGREES 13 MINUTES 28 SECONDS E., A DISTANCE OF 11.42 FEET;
9 THENCE S.80 DEGREES 16 MINUTES 16 SECONDS W., A DISTANCE OF
10 54.97 FEET; THENCE S.07 DEGREES 57 MINUTES 07 SECONDS W., A
11 DISTANCE OF 61.36 FEET; THENCE S.61 DEGREES 19 MINUTES 56
12 SECONDS E., A DISTANCE OF 163.09 FEET; THENCE N.68 DEGREES 57
13 MINUTES 39 SECONDS E., A DISTANCE OF 177.92 FEET; THENCE N.58
14 DEGREES 25 MINUTES 17 SECONDS E., A DISTANCE OF 238.88 FEET;
15 THENCE N.23 DEGREES 18 MINUTES 43 SECONDS W., A DISTANCE OF
16 36.00 FEET; THENCE N.82 DEGREES 58 MINUTES 17 SECONDS E., A
17 DISTANCE OF 1,395.57 FEET; THENCE N.81 DEGREES 45 MINUTES 17
18 SECONDS E., A DISTANCE OF 387.40 FEET TO THE POINT OF BEGINNING.

19 CONTAINING 36.08-ACRES, MORE OR LESS.

20 (C) GRANTING AND RETENTION OF EASEMENTS.--THE DEPARTMENT OF
21 GENERAL SERVICES IS AUTHORIZED TO DO ALL OF THE FOLLOWING:

22 (1) GRANT AND CONVEY TO THE ALLENTOWN COMMERCIAL
23 INDUSTRIAL AUTHORITY, OR THEIR ASSIGNS, ANY EASEMENTS FOR
24 UTILITIES AND INGRESS OR EGRESS ON RESIDUAL LANDS OF THE
25 COMMONWEALTH OF PENNSYLVANIA AT ALLENTOWN STATE HOSPITAL
26 NECESSARY TO COMPLY WITH LOCAL LAND DEVELOPMENT AND ZONING
27 ORDINANCES.

28 (2) RESERVE AND EXCEPT ANY EASEMENTS ON THE PROPERTY TO
29 BE CONVEYED TO THE ALLENTOWN COMMERCIAL INDUSTRIAL AUTHORITY
30 UNDER THIS SECTION NECESSARY FOR THE EFFICIENT OPERATION OF

1 ALLENTOWN STATE HOSPITAL.

2 (D) EASEMENTS, SERVITUDES AND RIGHTS.--THE CONVEYANCE SHALL
3 BE MADE UNDER AND SUBJECT TO ALL LAWFUL AND ENFORCEABLE
4 EASEMENTS, SERVITUDES AND RIGHTS OF OTHERS, INCLUDING BUT NOT
5 CONFINED TO STREETS, ROADWAYS AND RIGHTS OF ANY TELEPHONE,
6 TELEGRAPH, WATER, ELECTRIC, GAS OR PIPELINE COMPANIES, AS WELL
7 AS UNDER AND SUBJECT TO ANY LAWFUL AND ENFORCEABLE ESTATES OR
8 TENANCIES VESTED IN THIRD PERSONS APPEARING OF RECORD, FOR ANY
9 PORTION OF THE LAND OR IMPROVEMENTS ERECTED THEREON.

10 (E) LAND RESTRICTION.--

11 (1) ANY CONVEYANCE AUTHORIZED UNDER THIS SECTION SHALL
12 BE MADE UNDER AND SUBJECT TO THE FOLLOWING CONDITIONS, WHICH
13 SHALL BE CONTAINED IN THE DEED OF CONVEYANCE:

14 (I) THAT NO PORTION OF THE PROPERTY CONVEYED SHALL
15 BE USED AS A LICENSED FACILITY, AS DEFINED IN 4 PA.C.S. §
16 1103 (RELATING TO DEFINITIONS), OR ANY OTHER SIMILAR TYPE
17 OF FACILITY AUTHORIZED UNDER STATE LAW.

18 (II) THAT THE PROPERTY CONVEYED SHALL BE USED ONLY
19 AS COMMERCIAL OR SENIOR RESIDENTIAL PROPERTY OR BOTH.

20 (2) THE CONDITIONS UNDER PARAGRAPH (1) SHALL BE
21 COVENANTS RUNNING WITH THE LAND AND SHALL BE BINDING UPON THE
22 GRANTEE, ITS SUCCESSORS AND ASSIGNS. IF THE GRANTEE, ITS
23 SUCCESSORS OR ASSIGNS, PERMITS ANY PORTION OF THE PROPERTY
24 AUTHORIZED TO BE CONVEYED UNDER THIS SECTION TO BE USED IN
25 VIOLATION OF THIS SUBSECTION, THE TITLE SHALL IMMEDIATELY
26 REVERT TO AND REVEST IN THE GRANTOR.

27 (F) EXECUTION.--THE DEED OF CONVEYANCE SHALL BE BY SPECIAL
28 WARRANTY DEED AND SHALL BE EXECUTED BY THE SECRETARY OF GENERAL
29 SERVICES IN THE NAME OF THE COMMONWEALTH OF PENNSYLVANIA.

30 (G) COSTS AND FEES.--COSTS AND FEES INCIDENTAL TO THIS

1 CONVEYANCE SHALL BE BORNE BY THE GRANTEE.

2 (H) NONCONVEYANCE.--IF AN AGREEMENT OF SALE BETWEEN THE
3 DEPARTMENT OF GENERAL SERVICES AND THE ALLENTOWN COMMERCIAL
4 INDUSTRIAL AUTHORITY IS NOT EXECUTED WITHIN 180 CALENDAR DAYS
5 FROM THE EFFECTIVE DATE OF THIS SECTION, THE AUTHORITY CONTAINED
6 IN THIS SECTION SHALL EXPIRE.

7 Section 3 4. Effective date.

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8 This act shall take effect immediately.