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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 85

Session of  
2007

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INTRODUCED BY K. SMITH, STABACK, CARROLL, SHIMKUS, WANSACZ,  
CALTAGIRONE, DALEY, YOUNGBLOOD AND MUNDY, JANUARY 30, 2007

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REFERRED TO COMMITTEE ON STATE GOVERNMENT, JANUARY 30, 2007

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AN ACT

1 Authorizing the Department of General Services, with the  
2 approval of the Governor, to grant and convey to the County  
3 of Lackawanna Transit System Authority (COLTS), certain lands  
4 situate in the City of Scranton, Lackawanna County, in  
5 exchange for a certain tract of land from COLTS situate in  
6 the City of Scranton, Lackawanna County.

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

9 Section 1. Conveyance in City of Scranton, Lackawanna  
10 County.

11 (a) Authorization.--The Department of General Services, with  
12 the approval of the Governor, is hereby authorized on behalf of  
13 the Commonwealth of Pennsylvania to grant and convey to the  
14 County of Lackawanna Transit System Authority (hereinafter  
15 COLTS) certain lands situate in the City of Scranton, Lackawanna  
16 County, in exchange for a certain tract of land from COLTS  
17 situate in the City of Scranton, Lackawanna County.

18 (b) Description.--The property to be conveyed to COLTS under  
19 subsection (a) consists of approximately 2.52 acres of land and

1 improvements thereon bounded and more particularly described as  
2 follows:

3 LOT 1A

4 BEGINNING at a 3/4 inch iron pin, the intersection of the  
5 southeasterly right-of-way line of Cliff Street with the  
6 southwesterly right-of-way line of Lackawanna Avenue as shown on  
7 a plan titled, "The Commonwealth of Pennsylvania - Department of  
8 General Services - RD 1216 Pg 289 - Minor Subdivision" dated  
9 July, 2005 and prepared by Acker Associates, Inc.;

10 Thence along said line of Lackawanna Avenue South 51 degrees 28  
11 minutes 04 seconds East four hundred seventy-one and five  
12 hundredths (471.05 feet) feet to a point in line of lands of  
13 Scranton Mall Associates;

14 Thence along said lands South 38 degrees 37 minutes 01 second  
15 West one hundred three and one hundredth (103.01 feet) feet to a  
16 point in line of lands of Lackawanna County Rail Authority;

17 Thence along said lands of Lackawanna County Rail Authority the  
18 following four (4) courses and distances:

- 19 1. South 70 degrees 49 minutes 56 seconds West five and  
20 ninety-three hundredths (5.93 feet) feet to a point,
- 21 2. North 88 degrees 44 minutes 38 seconds West fifty-seven  
22 and seventy-nine hundredths (57.79 feet) feet to a point  
23 of curvature,
- 24 3. along a curve to the right having a radius of nine  
25 hundred eighty-eight and thirty-one hundredths (988.31  
26 feet) feet for an arc length of three hundred sixty-one  
27 and fifty-one hundredths (361.51 feet) feet (chord  
28 bearing and distance being North 68 degrees 51 minutes 46  
29 seconds West 359.50 feet) to a point of tangency, and  
30 4. North 53 degrees 36 minutes 54 seconds West eighty and



1        3.    South 48 degrees 45 minutes 01 second West twenty-two and  
2            ninety-five hundredths (22.95 feet) feet to a point in  
3            line of lands of the National Park Service;

4    Thence along said lands of the National Park Service North 40  
5    degrees 40 minutes 45 seconds West two hundred two and five  
6    tenths (202.50 feet) feet to the point of BEGINNING.

7    CONTAINING 12,315 square feet (0.28 acres) of land being the  
8    same, more or less.

9        (c)    Exchange.--The conveyance authorized by subsection (b)  
10   shall be in exchange for the conveyance, by special warranty  
11   deed, from COLTS, to the Commonwealth of Pennsylvania, acting by  
12   and through its Department of General Services, of all that  
13   certain piece or parcel of land situate in the City of Scranton,  
14   Lackawanna County, Pennsylvania, bounded and described as  
15   follows:

16        All that certain lot, piece or parcel of land situate in the  
17   8th Ward, City of Scranton, County of Lackawanna and State of  
18   Pennsylvania, bounded and described as follows:

19        Beginning at a point located on the northeasterly side of  
20   Lackawanna Avenue, said point being also located by a bearing of  
21   N 39 degrees 00 minutes W, and a distance of 138.0 feet as  
22   measured along the northeasterly side of Lackawanna Avenue from  
23   its intersection with the northwesterly right-of-way line of the  
24   D.L. & W. R.R.; thence, along the line of Lackawanna Avenue N 39  
25   degrees 00 minutes W, 294.52 feet to a point of intersection  
26   with a curve measured radially 100 feet from the center line of  
27   the D. & H. R.R. Co.; thence on a curve to the left parallel to  
28   the center line of said D. & H. R.R. and 100 feet therefrom,  
29   said curve having a radius of 750.14 feet and length of 867.02  
30   feet with a long chord bearing and distance of N 71 degrees 01

1 minute E, 819.55 feet to a point; thence S 39 degrees 00 minutes  
2 E, 45.04 feet to a point on the northwesterly right-of-way line  
3 of the D.L. & W. R.R.; thence along said right-of-way the  
4 following two courses and distances (1) on a curve to the right,  
5 having a radius of 4,037.11 and length of 278.15 and a long  
6 chord bearing and distance of a 31 degrees 32 minutes W, 278.10  
7 feet and (2) S 47 degrees 38 minutes W, 208.68 feet to a corner  
8 of other lands of the S.R.A.; thence along lands of said S.R.A.,  
9 the following two courses and distances (1) N 39 degrees 00  
10 minutes W, 136.0 feet and (2) S 51 degrees 00 minutes W, 300.0  
11 feet to the place of beginning.

12 Containing 2.277 acres of land more or less as surveyed by  
13 John R. Hennemuth, Registered Civil Engineer.

14 Parcel 18-A

15 All that certain lot, piece or parcel of land situate in the  
16 8th Ward, City of Scranton, County of Lackawanna and State of  
17 Pennsylvania, bounded and described as follows:

18 Beginning at a point located on the northeasterly side of  
19 Lackawanna Avenue, said point being also located by a bearing of  
20 N 39 degrees 00 minutes W and a distance of 138.00 feet as  
21 measured along the northeasterly side of Lackawanna Avenue from  
22 its intersection with the northwesterly right-of-way line of the  
23 D. L. & W. R.R., said point being also common to a corner of  
24 Parcel 18 of the S.R.A. as shown on drawing D-14-72 by John R.  
25 Hennemuth, P.E.; thence along the line of parcel 18, N 51  
26 degrees 00 minutes E, 300 feet to a corner; thence still along  
27 the line of Parcel 18, S 39 degrees 00 minutes E, 6.0 feet to a  
28 corner; thence over and across other lands of the S.R.A., S 51  
29 degrees 00 minutes W, 300.0 feet to a point on the northeasterly  
30 side of Lackawanna Avenue; thence along the side of said Avenue

1 N 39 degrees 00 minutes W, 6.0 feet to the place of beginning.  
2 Containing 0.041 acres of land and shown as Parcel 18-A on  
3 drawing B-22-72 by John R. Hennemuth, Registered Civil Engineer.  
4 CONTAINING 2.318 acres, more or less.

5 The conveyance described in this section shall be made under  
6 and subject to all lawful and enforceable easements, servitudes  
7 and rights of others, including but not confined to streets,  
8 roadways and rights of any telephone, telegraph, water,  
9 electric, gas or pipeline companies, as well as under and  
10 subject to any lawful and enforceable estates or tenancies  
11 vested in third persons appearing of record, for any portion of  
12 the land or improvements erected thereon.

13 (d) Easements.--The conveyance described in subsection (b)  
14 shall be made under and subject to all lawful and enforceable  
15 easements, servitudes and rights of others, including but not  
16 confined to streets, roadways and rights of any telephone,  
17 telegraph, water, electric, gas or pipeline companies, as well  
18 as under and subject to any lawful and enforceable estates or  
19 tenancies vested in third persons appearing of record, for any  
20 portion of the land or improvements erected thereon.

21 (e) Special warranty deed.--The deed of conveyance described  
22 in subsection (b) shall be by special warranty deed and shall be  
23 executed by the Secretary of General Services in the name of the  
24 Commonwealth of Pennsylvania.

25 (f) Covenants.--Any conveyance authorized under subsection  
26 (b) shall be made under and subject to the condition, which  
27 shall be contained in the deed of conveyance, that no portion of  
28 the property conveyed shall be used as a licensed facility, as  
29 defined in 4 Pa.C.S. § 1103 (relating to definitions), or any  
30 other similar type of facility authorized under the laws of this

1 Commonwealth. The condition shall be a covenant running with the  
2 land and shall be binding upon the grantee, its successors and  
3 assigns. Should the grantee, its successors or assigns, permit  
4 any portion of the property authorized to be conveyed in this  
5 section to be used in violation of this section, the title shall  
6 immediately revert to and revest in the grantor.

7 (g) Costs and fees.--All costs and fees incidental to the  
8 conveyances authorized by this act shall be borne by the  
9 grantee.

10 (h) Voidance.--In the event that these conveyances are not  
11 executed within 12 months of the effective date of this section,  
12 the authorization contained in this section shall become null  
13 and void.

14 Section 2. This act shall take effect immediately.