

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

# HOUSE BILL

## No. 2306

 Session of 2008

INTRODUCED BY K. SMITH, STABACK AND CALTAGIRONE, MARCH 10, 2008

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES,  
JUNE 25, 2008

## AN ACT

1 ~~Amending~~ REENACTING AND AMENDING the act of May 16, 2007 (P.L.3, <—  
2 No.3), entitled, "An act authorizing the Department of  
3 General Services, with the approval of the Governor, to grant  
4 and convey to the County of Lackawanna Transit System  
5 Authority (COLTS), certain lands situate in the City of  
6 Scranton, Lackawanna County, in exchange for a certain tract  
7 of land from COLTS situate in the City of Scranton,  
8 Lackawanna County," further providing for the date of  
9 execution.

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

12 Section 1. Section ~~1(h)~~ 1 of the act of May 16, 2007 <—  
13 (P.L.3, No.3), entitled, "An act authorizing the Department of  
14 General Services, with the approval of the Governor, to grant  
15 and convey to the County of Lackawanna Transit System Authority  
16 (COLTS), certain lands situate in the City of Scranton,  
17 Lackawanna County, in exchange for a certain tract of land from  
18 COLTS situate in the City of Scranton, Lackawanna County," is  
19 REENACTED AND amended to read: <—  
20 Section 1. Conveyance in City of Scranton, Lackawanna County.

1       \* \* \*

2       (A) AUTHORIZATION.--THE DEPARTMENT OF GENERAL SERVICES, WITH  
3 THE APPROVAL OF THE GOVERNOR, IS HEREBY AUTHORIZED ON BEHALF OF  
4 THE COMMONWEALTH OF PENNSYLVANIA TO GRANT AND CONVEY TO THE  
5 COUNTY OF LACKAWANNA TRANSIT SYSTEM AUTHORITY (HEREINAFTER  
6 COLTS) CERTAIN LANDS SITUATE IN THE CITY OF SCRANTON, LACKAWANNA  
7 COUNTY, IN EXCHANGE FOR A CERTAIN TRACT OF LAND FROM COLTS  
8 SITUATE IN THE CITY OF SCRANTON, LACKAWANNA COUNTY.

9       (B) DESCRIPTION.--THE PROPERTY TO BE CONVEYED TO COLTS UNDER  
10 SUBSECTION (A) CONSISTS OF APPROXIMATELY 2.52 ACRES OF LAND AND  
11 IMPROVEMENTS THEREON BOUNDED AND MORE PARTICULARLY DESCRIBED AS  
12 FOLLOWS:

13                               LOT 1A

14 BEGINNING AT A 3/4 INCH IRON PIN, THE INTERSECTION OF THE  
15 SOUTHEASTERLY RIGHT-OF-WAY LINE OF CLIFF STREET WITH THE  
16 SOUTHWESTERLY RIGHT-OF-WAY LINE OF LACKAWANNA AVENUE AS SHOWN ON  
17 A PLAN TITLED, "THE COMMONWEALTH OF PENNSYLVANIA - DEPARTMENT OF  
18 GENERAL SERVICES - RD 1216 PG 289 - MINOR SUBDIVISION" DATED  
19 JULY, 2005 AND PREPARED BY ACKER ASSOCIATES, INC.;  
20 THENCE ALONG SAID LINE OF LACKAWANNA AVENUE SOUTH 51 DEGREES 28  
21 MINUTES 04 SECONDS EAST FOUR HUNDRED SEVENTY-ONE AND FIVE  
22 HUNDREDTHS (471.05 FEET) FEET TO A POINT IN LINE OF LANDS OF  
23 SCRANTON MALL ASSOCIATES;  
24 THENCE ALONG SAID LANDS SOUTH 38 DEGREES 37 MINUTES 01 SECOND  
25 WEST ONE HUNDRED THREE AND ONE HUNDREDTH (103.01 FEET) FEET TO A  
26 POINT IN LINE OF LANDS OF LACKAWANNA COUNTY RAIL AUTHORITY;  
27 THENCE ALONG SAID LANDS OF LACKAWANNA COUNTY RAIL AUTHORITY THE  
28 FOLLOWING FOUR (4) COURSES AND DISTANCES:

- 29       1. SOUTH 70 DEGREES 49 MINUTES 56 SECONDS WEST FIVE AND  
30       NINETY-THREE HUNDREDTHS (5.93 FEET) FEET TO A POINT,



1 FORTY-EIGHT AND THIRTY-NINE HUNDREDTHS (148.39 FEET) FEET  
2 TO A POINT, AND

3 2. SOUTH 66 DEGREES 46 MINUTES 09 SECONDS EAST FIFTY-FIVE  
4 AND TWENTY-SIX HUNDREDTHS (55.26 FEET) FEET TO A POINT;  
5 THENCE ALONG LOT 2 THE FOLLOWING THREE (3) COURSES AND  
6 DISTANCES:

7 1. SOUTH 25 DEGREES 41 MINUTES 58 SECONDS WEST ELEVEN AND  
8 FIFTY-NINE HUNDREDTHS (11.59 FEET) FEET TO A POINT,

9 2. SOUTH 39 DEGREES 59 MINUTES 28 SECONDS WEST FIFTY-EIGHT  
10 AND FIVE HUNDREDTHS (58.05 FEET) FEET TO A POINT, AND

11 3. SOUTH 48 DEGREES 45 MINUTES 01 SECOND WEST TWENTY-TWO AND  
12 NINETY-FIVE HUNDREDTHS (22.95 FEET) FEET TO A POINT IN  
13 LINE OF LANDS OF THE NATIONAL PARK SERVICE;

14 THENCE ALONG SAID LANDS OF THE NATIONAL PARK SERVICE NORTH 40  
15 DEGREES 40 MINUTES 45 SECONDS WEST TWO HUNDRED TWO AND FIVE  
16 TENTHS (202.50 FEET) FEET TO THE POINT OF BEGINNING.

17 CONTAINING 12,315 SQUARE FEET (0.28 ACRES) OF LAND BEING THE  
18 SAME, MORE OR LESS.

19 (C) EXCHANGE.--THE CONVEYANCE AUTHORIZED BY SUBSECTION (B)  
20 SHALL BE IN EXCHANGE FOR THE CONVEYANCE, BY SPECIAL WARRANTY  
21 DEED, FROM COLTS, TO THE COMMONWEALTH OF PENNSYLVANIA, ACTING BY  
22 AND THROUGH ITS DEPARTMENT OF GENERAL SERVICES, OF ALL THAT  
23 CERTAIN PIECE OR PARCEL OF LAND SITUATE IN THE CITY OF SCRANTON,  
24 LACKAWANNA COUNTY, PENNSYLVANIA, BOUNDED AND DESCRIBED AS  
25 FOLLOWS:

26 ALL THAT CERTAIN LOT, PIECE OR PARCEL OF LAND SITUATE IN THE  
27 8TH WARD, CITY OF SCRANTON, COUNTY OF LACKAWANNA AND STATE OF  
28 PENNSYLVANIA, BOUNDED AND DESCRIBED AS FOLLOWS:

29 BEGINNING AT A POINT LOCATED ON THE NORTHEASTERLY SIDE OF  
30 LACKAWANNA AVENUE, SAID POINT BEING ALSO LOCATED BY A BEARING OF

1 N 39 DEGREES 00 MINUTES W, AND A DISTANCE OF 138.0 FEET AS  
2 MEASURED ALONG THE NORTHEASTERLY SIDE OF LACKAWANNA AVENUE FROM  
3 ITS INTERSECTION WITH THE NORTHWESTERLY RIGHT-OF-WAY LINE OF THE  
4 D.L. & W. R.R.; THENCE, ALONG THE LINE OF LACKAWANNA AVENUE N 39  
5 DEGREES 00 MINUTES W, 294.52 FEET TO A POINT OF INTERSECTION  
6 WITH A CURVE MEASURED RADially 100 FEET FROM THE CENTER LINE OF  
7 THE D. & H. R.R. CO.; THENCE ON A CURVE TO THE LEFT PARALLEL TO  
8 THE CENTER LINE OF SAID D. & H. R.R. AND 100 FEET THEREFROM,  
9 SAID CURVE HAVING A RADIUS OF 750.14 FEET AND LENGTH OF 867.02  
10 FEET WITH A LONG CHORD BEARING AND DISTANCE OF N 71 DEGREES 01  
11 MINUTE E, 819.55 FEET TO A POINT; THENCE S 39 DEGREES 00 MINUTES  
12 E, 45.04 FEET TO A POINT ON THE NORTHWESTERLY RIGHT-OF-WAY LINE  
13 OF THE D.L. & W. R.R.; THENCE ALONG SAID RIGHT-OF-WAY THE  
14 FOLLOWING TWO COURSES AND DISTANCES (1) ON A CURVE TO THE RIGHT,  
15 HAVING A RADIUS OF 4,037.11 AND LENGTH OF 278.15 AND A LONG  
16 CHORD BEARING AND DISTANCE OF A 31 DEGREES 32 MINUTES W, 278.10  
17 FEET AND (2) S 47 DEGREES 38 MINUTES W, 208.68 FEET TO A CORNER  
18 OF OTHER LANDS OF THE S.R.A.; THENCE ALONG LANDS OF SAID S.R.A.,  
19 THE FOLLOWING TWO COURSES AND DISTANCES (1) N 39 DEGREES 00  
20 MINUTES W, 136.0 FEET AND (2) S 51 DEGREES 00 MINUTES W, 300.0  
21 FEET TO THE PLACE OF BEGINNING.

22 CONTAINING 2.277 ACRES OF LAND MORE OR LESS AS SURVEYED BY  
23 JOHN R. HENNEMUTH, REGISTERED CIVIL ENGINEER.

24 PARCEL 18-A

25 ALL THAT CERTAIN LOT, PIECE OR PARCEL OF LAND SITUATE IN THE  
26 8TH WARD, CITY OF SCRANTON, COUNTY OF LACKAWANNA AND STATE OF  
27 PENNSYLVANIA, BOUNDED AND DESCRIBED AS FOLLOWS:

28 BEGINNING AT A POINT LOCATED ON THE NORTHEASTERLY SIDE OF  
29 LACKAWANNA AVENUE, SAID POINT BEING ALSO LOCATED BY A BEARING OF  
30 N 39 DEGREES 00 MINUTES W AND A DISTANCE OF 138.00 FEET AS

1 MEASURED ALONG THE NORTHEASTERLY SIDE OF LACKAWANNA AVENUE FROM  
2 ITS INTERSECTION WITH THE NORTHWESTERLY RIGHT-OF-WAY LINE OF THE  
3 D. L. & W. R.R., SAID POINT BEING ALSO COMMON TO A CORNER OF  
4 PARCEL 18 OF THE S.R.A. AS SHOWN ON DRAWING D-14-72 BY JOHN R.  
5 HENNEMUTH, P.E.; THENCE ALONG THE LINE OF PARCEL 18, N 51  
6 DEGREES 00 MINUTES E, 300 FEET TO A CORNER; THENCE STILL ALONG  
7 THE LINE OF PARCEL 18, S 39 DEGREES 00 MINUTES E, 6.0 FEET TO A  
8 CORNER; THENCE OVER AND ACROSS OTHER LANDS OF THE S.R.A., S 51  
9 DEGREES 00 MINUTES W, 300.0 FEET TO A POINT ON THE NORTHEASTERLY  
10 SIDE OF LACKAWANNA AVENUE; THENCE ALONG THE SIDE OF SAID AVENUE  
11 N 39 DEGREES 00 MINUTES W, 6.0 FEET TO THE PLACE OF BEGINNING.  
12 CONTAINING 0.041 ACRES OF LAND AND SHOWN AS PARCEL 18-A ON  
13 DRAWING B-22-72 BY JOHN R. HENNEMUTH, REGISTERED CIVIL ENGINEER.

14 CONTAINING 2.318 ACRES, MORE OR LESS.

15 THE CONVEYANCE DESCRIBED IN THIS SECTION SHALL BE MADE UNDER  
16 AND SUBJECT TO ALL LAWFUL AND ENFORCEABLE EASEMENTS, SERVITUDES  
17 AND RIGHTS OF OTHERS, INCLUDING, BUT NOT CONFINED TO, STREETS,  
18 ROADWAYS AND RIGHTS OF ANY TELEPHONE, TELEGRAPH, WATER,  
19 ELECTRIC, GAS OR PIPELINE COMPANIES, AS WELL AS UNDER AND  
20 SUBJECT TO ANY LAWFUL AND ENFORCEABLE ESTATES OR TENANCIES  
21 VESTED IN THIRD PERSONS APPEARING OF RECORD, FOR ANY PORTION OF  
22 THE LAND OR IMPROVEMENTS ERECTED THEREON.

23 (D) EASEMENTS.--THE CONVEYANCE DESCRIBED IN SUBSECTION (B)  
24 SHALL BE MADE UNDER AND SUBJECT TO ALL LAWFUL AND ENFORCEABLE  
25 EASEMENTS, SERVITUDES AND RIGHTS OF OTHERS, INCLUDING, BUT NOT  
26 CONFINED TO, STREETS, ROADWAYS AND RIGHTS OF ANY TELEPHONE,  
27 TELEGRAPH, WATER, ELECTRIC, GAS OR PIPELINE COMPANIES, AS WELL  
28 AS UNDER AND SUBJECT TO ANY LAWFUL AND ENFORCEABLE ESTATES OR  
29 TENANCIES VESTED IN THIRD PERSONS APPEARING OF RECORD, FOR ANY  
30 PORTION OF THE LAND OR IMPROVEMENTS ERECTED THEREON.

(E) SPECIAL WARRANTY DEED.--THE CONVEYANCE DESCRIBED IN  
SUBSECTION (B) SHALL BE BY SPECIAL WARRANTY DEED AND SHALL BE  
EXECUTED BY THE SECRETARY OF GENERAL SERVICES IN THE NAME OF THE  
COMMONWEALTH OF PENNSYLVANIA.

(F) COVENANTS.--ANY CONVEYANCE AUTHORIZED UNDER SUBSECTION  
(B) SHALL BE MADE UNDER AND SUBJECT TO THE CONDITION, WHICH  
SHALL BE CONTAINED IN THE DEED OF CONVEYANCE, THAT NO PORTION OF  
THE PROPERTY CONVEYED SHALL BE USED AS A LICENSED FACILITY, AS  
DEFINED IN 4 PA.C.S. § 1103 (RELATING TO DEFINITIONS), OR ANY  
OTHER SIMILAR TYPE OF FACILITY AUTHORIZED UNDER THE LAWS OF THIS  
COMMONWEALTH. THE CONDITION SHALL BE A COVENANT RUNNING WITH THE  
LAND AND SHALL BE BINDING UPON THE GRANTEE, ITS SUCCESSORS AND  
ASSIGNS. SHOULD THE GRANTEE, ITS SUCCESSORS OR ASSIGNS PERMIT  
ANY PORTION OF THE PROPERTY AUTHORIZED TO BE CONVEYED IN THIS  
SECTION TO BE USED IN VIOLATION OF THIS SECTION, THE TITLE SHALL  
IMMEDIATELY REVERT TO AND REVEST IN THE GRANTOR.

(G) COSTS AND FEES.--ALL COSTS AND FEES INCIDENTAL TO THE  
CONVEYANCE AUTHORIZED BY THIS ACT SHALL BE BORNE BY THE GRANTEE.

(h) Voidance.--In the event that the conveyance is not  
~~executed within [12] 36 months of the effective date of this~~  
~~section~~ EXECUTED [WITHIN 12 MONTHS OF THE EFFECTIVE DATE OF THIS  
SECTION] BY MAY 16, 2010, the authorization contained in this  
section shall become null and void.

SECTION 2. SECTION 2 OF THE ACT IS REENACTED TO READ:

SECTION 2. THIS ACT SHALL TAKE EFFECT IMMEDIATELY.

Section ~~2~~ 3. This act shall take effect immediately.