

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 568 Session of 2009

INTRODUCED BY DINNIMAN, MARCH 4, 2009

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, JUNE 30, 2009

AN ACT

1 Authorizing the Department of General Services, with the
2 approval of the Department of Military and Veterans Affairs
3 and the Governor, to grant and convey to East Vincent
4 Township, certain lands situate in East Vincent Township,
5 Chester County.

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

8 Section 1. Conveyance to East Vincent Township, Chester County.

9 (a) Authorization.--The Department of General Services, with
10 the approval of the Department of Military and Veterans Affairs
11 and the Governor, is hereby authorized on behalf of the
12 Commonwealth of Pennsylvania to grant and convey to East Vincent
13 Township two tracts of land, being a portion of the Southeastern
14 Pennsylvania Veterans' Center, situate in East Vincent Township,
15 Chester County for \$1.

16 (b) Description.--The property to be conveyed pursuant to
17 subsection (a) consists of approximately 95.903 acres and any
18 improvements thereon bounded and more particularly described as
19 follows:

TRACT "A"

ALL THAT CERTAIN tract or piece of land situate on the east side of Pennhurst Road (50 feet wide) and the north side of King Street (T-577, 57 feet wide), being Tract "A" of the Southeastern PA Veterans' Center Subdivision in the Township of East Vincent, County of Chester and Commonwealth of Pennsylvania, being more fully bounded and described in accordance with a survey by Kent Surveyors, designated 214-005-08, as follows, to wit:

BEGINNING at a point near the centerline of Pennhurst Road (50 feet wide), a corner of lands of Joyce M. Fox; thence along said centerline the three following courses and distances: (1) North 06 degrees 37 minutes 55 seconds East, 363.72 feet to a point; (2) in a northerly direction by a line curving to the left having a radius of 1098.14 feet, a delta angle of 9 degrees 22 minutes 14 seconds, an arc length of 179.60 feet and a chord bearing North 01 degrees 56 minutes 48 seconds East, a chord distance of 179.40 feet to a point; (3) North 02 degrees 44 minutes 19 seconds West, 82.48 feet to a point, a corner of Tract "B" in the above-mentioned subdivision; thence leaving said road along Tract "B" the two following courses and distances: (1) South 88 degrees 15 minutes 10 seconds East, 999.47 feet to a point; (2) North 00 degrees 23 minutes 12 seconds West, 329.02 feet to a point, a corner of residue lands of the Commonwealth of Pennsylvania in the above-mentioned subdivision; thence along lands of the same the four following courses and distances: (1) North 88 degrees 03 minutes 06 seconds East, 754.07 feet to a point; (2) South 29 degrees 54 minutes 13 seconds East, 580.85 feet to a point; (3) South 79 degrees 58 minutes 15 seconds East, 447.91 feet to a point; (4)

1 South 87 degrees 46 minutes 40 seconds East, 1163.25 feet to a
2 point, a corner of lands of PECO; thence along lands of the same
3 the seven following courses and distances: (1) in a southerly
4 direction by a line curving to the left having a radius of
5 1258.00 feet, a delta angle of 13 degrees 45 minutes 16 seconds,
6 an arc length of 302.00 feet and a chord bearing South 03
7 degrees 21 minutes 57 seconds East, a chord distance of 301.27
8 feet to a point; (2) South 10 degrees 14 minutes 35 seconds
9 East, 112.00 feet to a point; (3) south 03 degrees 03 minutes 35
10 seconds East, 233.00 feet to a point; (4) in a southerly
11 direction by a line curving to the left having a radius of
12 3213.00 feet, a delta angle of 3 degrees 36 minutes 01 second,
13 an arc length of 201.90 feet and a chord bearing South 04
14 degrees 51 minutes 36 seconds East, a chord distance of 201.87
15 feet to a point; (5) South 06 degrees 39 minutes 35 seconds
16 East, 143.00 feet to a point; (6) North 88 degrees 04 minutes 32
17 seconds West, 35.00 feet to a point; (7) South 12 degrees 04
18 minutes 32 seconds East, 75.00 feet to a point in the centerline
19 of King Street (57 feet wide-unimproved); thence along the
20 centerline of said road the five following courses and
21 distances: (1) North 88 degrees 04 minutes 32 seconds West,
22 92.27 feet to a point; (2) North 85 degrees 04 minutes 32
23 seconds West, 195.84 feet to an iron pipe; (3) North 87 degrees
24 00 minutes 21 seconds West, 25.82 feet to a point; (4) North 86
25 degrees 17 minutes 21 seconds West, 433.94 feet to a point; (5)
26 North 82 degrees 15 minutes 21 seconds West, 836.05 feet to an
27 iron pin, a corner of the Haverfield Subdivision (Chester County
28 Plan No. 13682); thence along said subdivision the four
29 following courses and distances: (1) North 82 degrees 24 minutes
30 57 seconds West, 15.15 feet to an iron pin; (2) North 05 degrees

1 26 minutes 39 seconds East, 280.17 feet to a point; (3) North 82
2 degrees 17 minutes 05 seconds West, 833.23 feet to an iron pin,
3 a corner of lands of David L. Simon and Elizabeth R. Simon, and
4 the Mennonite Foundation, Inc.; thence along lands of the same,
5 North 82 degrees 17 minutes 43 seconds West, 865.24 feet to a
6 point, a corner of lands of Joyce M. Fox; thence along lands of
7 the same, North 82 degrees 45 minutes 59 seconds West, 215.67
8 feet to a point near the centerline of Pennhurst Road, the place
9 of BEGINNING.

10 Containing 79.521-acres.

11 TRACT "B"

12 ALL THAT CERTAIN tract or piece of land situate on the east
13 side of Pennhurst Road (50 feet wide) and the south side of
14 Dunlap Road (50 feet wide), being Tract "B" of the Southeastern
15 PA Veterans' Center Subdivision in the Township of East Vincent,
16 County of Chester and Commonwealth of Pennsylvania, being more
17 fully bounded and described in accordance with a survey by Kent
18 Surveyors, designated 214-005-08, as follows, to wit:

19 BEGINNING at a point near the centerline of Pennhurst Road
20 (50 feet wide), a corner of Tract "A" in the above-mentioned
21 subdivision in line of lands of SHGC; thence along lands of SHGC
22 and residue lands of the Commonwealth of Pennsylvania in the
23 above-mentioned subdivision along said centerline, North 02
24 degrees 44 minutes 19 seconds West, 645.37 feet to a point;
25 thence leaving said road along said residue lands and along the
26 southern right of way line of Dunlap Road (50 feet wide), North
27 84 degrees 59 minutes 40 seconds East, 1028.60 feet to a point;
28 thence leaving said road along said residue lands and along
29 Tract "A" in the above-mentioned subdivision, South 00 degrees
30 23 minutes 12 seconds East, 764.87 feet to a point, a corner of

1 Tract "A"; thence along Tract "A", North 88 degrees 15 minutes
2 10 seconds West, 999.47 feet to a point near the centerline of
3 Pennhurst Road, the place of BEGINNING.

4 Containing 16.382-acres.

5 (c) Conditions.--THE FOLLOWING CONDITIONS SHALL APPLY: ←

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

14 (2) IN NO EVENT SHALL THE CONVEYANCE OF THE PARCEL KNOWN ←
15 AS TRACT B BE EXECUTED UNTIL LIVING ACCOMMODATIONS HAVE BEEN
16 ARRANGED AND PERMANENTLY ESTABLISHED FOR ALL RESIDENTS OF THE
17 SOUTHEASTERN VETERANS CENTER THAT OCCUPY BUILDINGS SITUATE ON
18 LAND TO BE CONVEYED.

19 (3) THE VETERANS ADMINISTRATION CLINIC OCCUPYING CERTAIN
20 BUILDINGS LOCATED ON THE LAND TO BE CONVEYED SHALL BE
21 PERMITTED, AND IS HEREBY AUTHORIZED, TO CONTINUE TO OCCUPY
22 THOSE BUILDINGS UNTIL SUCH TIME AS ACCOMMODATIONS HAVE BEEN
23 ARRANGED AND PERMANENTLY ESTABLISHED IN CONFORMITY WITH THE
24 PROVISION OF PARAGRAPH (2).

25 (d) Restrictive covenant.--The deed of conveyance shall
26 contain the following restrictive covenant: Under and subject to
27 a restriction that the land conveyed herein shall be used solely
28 for recreational open space for the benefit of the public at
29 large. Should the Grantee, or its successors, attempt to convey
30 the property, or utilize it for any other purpose, the property

1 shall immediately revert to the Grantor.

2 (e) Restriction.--Any conveyance authorized under this
3 section shall be made under and subject to the condition, which
4 shall be contained in the deed of conveyance, that no portion of
5 the property conveyed shall be used as a licensed facility, as
6 defined in 4 Pa.C.S. § 1103 (relating to definitions), or any
7 other similar type of facility authorized under State law. The
8 condition shall be a covenant running with the land and shall be
9 binding upon the Grantee, and its successors. Should the
10 Grantee, or its successors, permit any portion of the property
11 authorized to be conveyed in this section to be used in
12 violation of this subsection, the title shall immediately revert
13 to and revest in the Grantor.

14 (f) Deed of conveyance.--The deed of conveyance shall be by
15 Special Warranty Deed and shall be executed by the Secretary of
16 General Services in the name of the Commonwealth of
17 Pennsylvania.

18 (g) Costs and fees.--Costs and fees incidental to this
19 conveyance shall be borne by the Grantee.

20 (h) Expiration.--In the event that this conveyance is not
21 executed within five years of the effective date of this
22 section, the authorization contained herein shall expire.

23 Section 2. Effective date.

24 This act shall take effect immediately.