

**LAND CONVEYANCE - SUPP TO ADMINISTRATIVE CODE**

**Act of Oct. 23, 1988, P.L. 1059, No. 122**

**Cl. 85**

**AN ACT**

Amending the act of April 9, 1929 (P.L.177, No.175), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," requiring the Auditor General to periodically audit the affairs of the Pennsylvania Turnpike Commission; further providing for powers and duties of the Department of Agriculture relative to the manufacture and use of ethyl alcohol and the transportation of poultry, and for leases of lands and offices by nonprofit corporations to the Commonwealth; making an editorial change; providing for the exemption from taxes of the lease upon the Eastern Pennsylvania Psychiatric Institute; authorizing and directing The General State Authority and the Department of General Services to remove all restrictions or encumbrances on certain land situate in Philadelphia; authorizing and directing the Department of General Services, with the approval of the Governor and the Department of Environmental Resources, to convey certain easements and parcels of land situate in the Borough of New Hope, Bucks County, Pennsylvania, to the River Road Development Corporation, and to accept the conveyance to the Commonwealth of certain parcels of land in the same borough; authorizing the Department of Environmental Resources to accept the conveyance of an easement in the same borough; authorizing and directing the Department of General Services, with the approval of the Governor, to sell and convey a tract of land situate in East Allen Township, Northampton County, Pennsylvania; authorizing and directing the Department of General Services, with the approval of the Governor and the Secretary of Environmental Resources, to sell and convey a certain parcel of land in Erie County, Pennsylvania; authorizing and directing the Department of General Services, with the approval of the Governor and the Department of Transportation, to convey to the county commissioners of Lackawanna County a tract of land situate in the Borough of Moosic, Lackawanna County, Pennsylvania; authorizing and directing the Department of General Services, with the approval of the Governor and the Department of Public Welfare, to convey to Kirwan Heights Volunteer Fire Department a tract of land situate in Collier Township, Allegheny County, Pennsylvania; authorizing and directing the Department of General Services, with the approval of the

Governor and the Department of Public Welfare, to convey a tract of land situate in the City of Pittsburgh, Allegheny County, Pennsylvania; authorizing and directing the Department of General Services, with the approval of the Governor, to convey to the Canon-McMillan School District 3.109 acres of land, more or less, situate in the Borough of Canonsburg, Washington County, Pennsylvania; and making a repeal.

**Compiler's Note:** The Department of Public Welfare, referred to in this act, was redesignated as the Department of Human Services by Act 132 of 2014.

**Compiler's Note:** Sections 1, 2, 3 and 4 of this act amended several miscellaneous sections of the act of Apr. 9, 1929, P.L.177, No.175 known as The Administrative Code of 1929.

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

Section 5. (a) The Department of General Services, with the approval of the Governor and the Department of Environmental Resources, is hereby authorized and directed, on behalf of the Commonwealth of Pennsylvania, to grant and convey to the River Road Development Corporation easements across certain lands of Roosevelt State Park in the Borough of New Hope, for a period not to exceed 99 years and for such consideration and subject to such terms and conditions as the Department of Environmental Resources may reasonably require, for the purpose of access to and from lands of said grantee adjacent to said park and also for the purpose of access to and from lands of said grantee for the purpose of water supply, sewage disposal, electric services and other utilities. The easements to be conveyed are described as follows:

(1) An easement of use over a vehicular bridge and appurtenances thereto crossing the Delaware Division of the Pennsylvania Canal at Milepost 23.840, and approaches to and from the same, for the purpose of passage and attachment of water, sewer and electric lines, cables and other utilities.

(2) An easement of passage over a pedestrian bridge crossing the Delaware Division of the Pennsylvania Canal at Milepost 23.812, and approaches to and from the same.

(3) An easement of use over a vehicular bridge and appurtenances thereto crossing the Delaware Division of the Pennsylvania Canal at Milepost 23.742, and approaches to and from the same, for the purpose of passage and attachment of water, sewer and electric lines, cables and other utilities.

(4) An easement of use over a vehicular bridge and appurtenances thereto crossing the Delaware Division of the Pennsylvania Canal at Milepost 23.7, and approaches to and from the same, for the purpose of passage and attachment of water, sewer and electric lines, cables and other utilities.

(5) An easement of use under and through the bed and waters of the Delaware Division of the Pennsylvania Canal, for a certain existing eight (8) inch water pipe, or its replacements, located approximately seventy-five (75) feet south of the Union Mills Lock.

(b) The Department of General Services, with the approval of the Governor and the Department of Environmental Resources, is hereby authorized and directed, on behalf of the Commonwealth of Pennsylvania, to grant and convey to the River Road Development Corporation, in exchange for the conveyances

described in subsections (c) and (d), the tracts of land described as follows:

(1) All that certain lot, tract or parcel of land, situate in the Borough of New Hope, Bucks County, Pennsylvania, as shown on a plan entitled, "Certified Site Survey of Tax Map Parcels 27-9-6, 27-9-5 and 27-9-4", prepared by J. G. Park Associates, Inc., and being last revised June 3, 1987, said parcel being identified as Detail "A" on said plan and more particularly bounded and described as follows:

Beginning at a point on the extreme northwest corner of an existing building; thence:

(i) extending from said point of beginning in a northerly direction parallel to the westerly face of the existing building, north 02 degrees 23 minutes 01 second west, a distance of 13.00 feet to a point along the westerly property line and easterly side of the Delaware Division of the Pennsylvania Canal, thence;

(ii) continuing along the easterly side of the Delaware Division of the Pennsylvania Canal, north 34 degrees 47 minutes 16 seconds east, a distance of 47.29 feet to a point, thence;

(iii) leaving said easterly side of said canal and extending into the northerly side of the existing building, south 04 degrees 36 minutes 06 seconds west, a distance of 51.0613 feet to a point, thence;

(iv) extending through the aforementioned building, south 18 degrees 42 minutes 05 seconds west, a distance of 62.1619 feet to a point, on the westerly face of the aforementioned building, thence;

(v) extending along the westerly face of the aforementioned building, north 02 degrees 23 minutes 01 second west, a distance of 58.00 feet to a point and first mentioned point of beginning.

Consisting of 1,400 square feet, more or less.

(2) All that certain lot, tract or parcel of land situate in the Borough of New Hope, Bucks County, Pennsylvania, as shown on a plan entitled, "Certified Site Survey of Tax Map Parcels 27-9-6, 27-9-5 and 27-9-4", prepared by J. G. Park Associates, Inc., and being last revised June 3, 1987, said parcel being identified as Detail "B" on said plan and more particularly bounded and described as follows:

Beginning at a point in the westerly face of the existing two-story brick mill building as shown on the aforementioned survey plan and extending from said point:

(i) north 87 degrees 38 minutes 41 seconds east, along the northerly face of this offset of the building, a distance of 3.30 feet to a point, thence;

(ii) extending through a portion of the building, south 02 degrees 21 minutes 19 seconds east, a distance of 147.52 feet, to a point of intersection of another offset in said building, said point also being a point in the southerly face of the building, thence;

(iii) extending through said building, south 85 degrees 20 minutes 46 seconds west, a distance of 3.30 feet to a point in the westerly face of said building, thence;

(iv) extending along the westerly face of said building, north 02 degrees 21 minutes 19 seconds west, a distance of 147.52 feet to the point of beginning.

Consisting of 486.4 square feet, more or less.

(c) In exchange for the conveyances described in subsections (a) and (b), the Department of General Services is hereby authorized and directed, on behalf of the Commonwealth of Pennsylvania, to accept from the River Road Development Corporation, after municipal approval of subdivision as may be

required a quitclaim of any and all interest in the parcels of land situate in the Borough of New Hope, Bucks County, Pennsylvania, described as follows, said lands to be administered by the Department of Environmental Resources as part of Roosevelt State Park:

(1) All that certain lot, tract or parcel of land situate in the Borough of New Hope, Bucks County, Pennsylvania, as shown on a plan titled, "Certified Site Survey of Tax Map Parcels 27-9-6, 27-9-5 and 27-9-4", prepared by J. G. Park Associates, Inc., and being last revised June 3, 1987, said parcel being more particularly bounded and described as follows:

Beginning at a point, said point being measured the three (3) following courses and distances from a concrete monument found in the easterly right-of-way line of South Main Street (L.R.326) (60.00 feet wide), said monument also being the southerly property corner of tax map parcel 27-9-5, now or formerly of Irene, Harold and William Gardner:

(i) south 83 degrees 37 minutes 26 seconds west, 46.40 feet, thence;

(ii) north 00 degrees 27 minutes 13 seconds east, 480.48 feet, thence;

(iii) north 83 degrees 08 minutes 09 seconds east, 83.62 feet; and thence from said point of beginning:

(A) north 01 degree 50 minutes 59 seconds east, 219.14 feet, thence;

(B) north 13 degrees 03 minutes 47 seconds west, 38.03 feet, thence;

(C) north 14 degrees 29 minutes 52 seconds east, 80.37 feet, thence;

(D) south 77 degrees 16 minutes 23 seconds east, 38.33 feet, to a point in the westerly edge of water of the Delaware River, thence running along the edge of water of the Delaware River;

(E) south 03 degrees 33 minutes 45 seconds west, 34.21 feet, still along the same to a point, thence;

(F) south 66 degrees 58 minutes 23 seconds west, 9.33 feet, still along the same to a point, thence;

(G) south 04 degrees 47 minutes 14 seconds west, 63.55 feet, still along the same to a point, thence;

(H) south 01 degree 23 minutes 46 seconds east, 109.10 feet, still along the same to a point, thence;

(I) south 00 degrees 28 minutes 35 seconds west, 113.81 feet, still along the same to a point, thence, leaving said edge of water;

(J) south 88 degrees 00 minutes 48 seconds west, 41.71 feet to the first mentioned point of beginning.

Consisting of 0.2952 acres, more or less.

(2) All that certain lot, tract or parcel of land situate in the Borough of New Hope, Bucks County, Pennsylvania, as shown on a plan entitled, "Certified Site Survey of Tax Map Parcels 27-9-6, 27-9-5 and 27-9-4", prepared by J. G. Park Associates, Inc., and last revised June 3, 1987, and being more particularly bounded and described as follows:

Beginning at a point on the easterly face of an existing 1.5 foot wide stone wall of the Delaware Division of the Pennsylvania Canal, said point being the two (2) following courses and distances from a concrete monument on the easterly right-of-way line of South Main Street:

(i) north 04 degrees 17 minutes 29 seconds west, a distance of 170.00 feet, thence;

(ii) north 86 degrees 44 minutes 10 seconds east, a distance of 51.35 feet; and thence from said point of beginning:

(A) along the southerly property line of tax map parcel 27-11-5, now or formerly of R. Douglas and Karen Greene, north 86 degrees 44 minutes 10 seconds east, a distance of 8.92 feet to a point in said canal, thence;

(B) through the Delaware Division of the Pennsylvania Canal, south 00 degrees 27 minutes 13 seconds west, a distance of 133.27 feet to a point on the easterly face of the aforementioned stone wall, thence;

(C) along said face of wall, north 04 degrees 41 minutes 48 seconds west, a distance of 113.71 feet to an angle point in said wall, thence;

(D) still along said wall, north 04 degrees 18 minutes 22 seconds east, a distance of 19.48 feet to the point and place of beginning.

Consisting of 766 square feet, more or less.

(d) In further exchange for the conveyances described in subsections (a) and (b), the Department of Environmental Resources is hereby authorized and directed, on behalf of the Commonwealth of Pennsylvania, to accept from the River Road Development Corporation, an easement of passage over lands of the grantor in the Borough of New Hope, Bucks County, Pennsylvania, at a location and upon terms satisfactory to the Department of Environmental Resources, said easement to provide vehicular access to and from the towpath of the Delaware Division of the Pennsylvania Canal for the purpose of administration and maintenance of said towpath and canal.

(e) The deeds of grant or conveyance described in subsections (a) and (b) shall be approved as required by law and shall be executed by the Secretary of General Services in the name of the Commonwealth of Pennsylvania.

(f) Costs and fees incidental to the conveyances described in this section shall be borne by the River Road Development Corporation.

(g) The rights of the River Road Development Corporation shall inure to it, its successors, assigns and licensees.

Section 6. (a) The Department of General Services, with the approval of the Governor, is hereby authorized and directed, on behalf of the Commonwealth of Pennsylvania, to sell and convey to Vincent and Regina Gallagher of East Allen Township, Northampton County, Pennsylvania, for a consideration of \$100, the following tract of land situate in East Allen Township, Northampton County, Pennsylvania, described in a plan of survey, being Tract No. 2 of the minor subdivision plan prepared for the Commonwealth of Pennsylvania, dated June 23, 1987, by Martin H. Schuler Co., engineers and surveyors, Allentown, Pennsylvania, and bounded and described as follows:

Beginning at a point marked by a railroad spike at or near the center line of Weaversville Road (L.R.48049) in line with lands of the Commonwealth of Pennsylvania and Vincent and Regina Gallagher; thence extending along lands of Vincent and Regina Gallagher, north 55 degrees 45 minutes 00 seconds east 42.07 feet to a point marked by a railroad spike; thence extending along lands of Vincent and Regina Gallagher, north 87 degrees 00 minutes 00 seconds east 52.93 feet to a point; thence extending along lands of the Commonwealth of Pennsylvania, south 32 degrees 15 minutes 00 seconds west 69.13 feet to the center line of Weaversville Road; thence extending north 57 degrees 45 minutes 00 seconds west 60 feet to a point, the place of beginning.

Containing 2,651.47 square feet.

(b) The conveyance shall be made under and subject to all easements, servitudes and rights of others, including, but not

confined to, streets, roadways and rights of any telephone, telegraph, water, electric, sewer, gas or pipeline companies, as well as under and subject to any interest, estates or tenancies vested in third persons, whether or not appearing of record, for any portion of the land or improvements erected thereon.

(c) The proceeds of this sale shall be paid into the State Treasury.

(d) The deed of conveyance shall be approved as provided by law and shall be executed by the Secretary of General Services in the name of the Commonwealth of Pennsylvania.

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

Section 7. (a) The Department of General Services, with the approval of the Governor and the Secretary of Environmental Resources, is authorized and directed on behalf of the Commonwealth of Pennsylvania to sell and convey to Perry's Landing Ltd. No.1, a Pennsylvania limited partnership, its successors and assigns, for a consideration of \$64,440, the following tract of land situate in Presque Isle Bay, Erie County, Pennsylvania, bounded and described as follows:

To Perry's Landing Ltd. No.1

All lands on an encroachment into Presque Isle Bay known as Pier 1 between Raspberry and Cascade Streets located within the area beginning at the intersection of (1) a line produced by extending the line between Water Lots 254 and 255 shown on the Map of the Water Lots in Front of the Second Section of the Town of Erie, by Wilson King, Surveyor, prepared pursuant to order of the Commissioner of Sales in pursuance of the act of January 23, 1838 (P.L.6, No.6), entitled "An act authorizing the laying out of water lots, and the sale of the same, in the second section of the town of Erie," a lithograph or tracing of said map being in the files of the Division of Land Records of the Bureau of Archives and History of the Pennsylvania Historical and Museum Commission, and (2) a line 1712.58 feet north of and parallel to the center line of West Second Street of the City of Erie; thence in a northerly direction a distance of 280 feet along the line extension from between Water Lots 254 and 255 to a point; thence in an easterly direction a distance of 264 feet along a line parallel with the center line of West Second Street to a point in a line created by extending northward the line between Water Lots 247 and 246 as shown on said map; thence in a southerly direction a distance of 280 feet along a line produced by extension of the line between Water Lots 247 and 246 on said map to a point where said extension line intersects with the line 1712.58 feet north of and parallel to West Second Street; and thence in a westerly direction a distance of 264 feet along a line parallel with the center line of West Second Street to the point and place of beginning.

(b) The deed of conveyance shall be approved as provided by law and shall be executed by the Secretary of General Services in the name of the Commonwealth of Pennsylvania. The deed of conveyance as authorized by this act shall include lands appurtenant to the encroachment as may be deemed necessary by the Department of Environmental Resources to construct and maintain additional timber cribbing, stone facing and vertical bulkheads to stabilize the edges of the pier. The deed shall further contain covenants assuring adequate provisions to provide free public access to the bayfront for fishing and recreation from the overall project developed on the site by the grantees and to be maintained by the grantees, as set forth

in a plot plan recorded with the deed, including, but not limited to:

(1) free parking for 50 cars for access to the site on a location adjacent to the Erie Bayfront Highway;

(2) public walkways, including water edge promenades at least 12 feet wide, providing free access to the marina for fishing and walking, an encroachment into the bay at the foot of Cascade Street known as Pier 2, lands of the Commonwealth on an encroachment into the bay at the foot of Plum Street known as Pier 3 and connecting with the public parking area;

(3) a wetlands preserve in the delta of Cascade Creek which shall be maintained by the grantees to protect the natural resources of the wetlands area from encroachments, incursions and degradation; to permit free public access, to provide that, if recreational development occurs, it be done in a manner which minimizes ecological impacts, to maintain the aesthetic appearance of the wetlands preserve and to remove litter and debris;

(4) a free public recreational area at the tip of Pier 3 and on 0.716 acres of land immediately adjacent to such lands, as authorized by the Department of Environmental Resources, suitable for fishing and picnicking to be developed within a reasonable time after issuance of a permit for development of the area by the Department of Environmental Resources;

(5) reasonable free accommodations for public fishing, including a fishing pier constructed into the bay from the public recreational area on Pier 3 as authorized by the Department of Environmental Resources; and

(6) a recreational marina to be constructed between Piers 1 and 2 and Piers 2 and 3.

(c) Nothing in this section shall be deemed to affect the authority of the Department of Environmental Resources under the act of June 25, 1937 (P.L.2116, No.425), entitled "An act declaring certain rights, grants, and privileges in the beds of navigable waters, within and on the boundaries of this Commonwealth, void; vesting power in the Department of Forests and Waters, the Water and Power Resources Board, and the Pennsylvania State Park and Harbor Commission to revoke and declare void such rights, grants, and privileges, and providing the procedure in such cases."

(d) Nothing in this section shall be deemed to constitute a precedent or general public policy with respect to the sale of public lands within the public domain or the management of filled areas located on submerged lands of the Commonwealth within Presque Isle Bay or elsewhere.

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

**Compiler's Note:** The Department of Environmental Resources, referred to in this section, was abolished by Act 18 of 1995. Its functions were transferred to the Department of Conservation and Natural Resources and the Department of Environmental Protection.

**Compiler's Note:** The Secretary of Environmental Resources, referred to in this section, was abolished by Act 18 of 1995. The functions of the secretary were transferred to the Secretary of Conservation and Natural Resources and the Secretary of Environmental Protection.

Section 8. (a) The Department of General Services, with the approval of the Governor and the Department of

Transportation, is hereby authorized and directed on behalf of the Commonwealth of Pennsylvania to grant and convey to the county commissioners of Lackawanna County, for a consideration of \$120,750, the following tract of land situate in the Borough of Moosic, Lackawanna County, Pennsylvania, bounded and described as follows:

All that certain lot, piece or parcel of land situate in the Borough of Moosic, Lackawanna County, Pennsylvania, bounded and described as follows:

Beginning at a point on the easterly right-of-way line of Montage Access Road opposite center line station 242+00; thence from the beginning and along lands of the Lackawanna County Multi-purpose Stadium Authority north 65 degrees 00 minutes 00 seconds east 520.00 feet to a corner; thence north 25 degrees 00 minutes 00 seconds west 470.00 feet to a corner; thence south 65 degrees 00 minutes 00 seconds west 409.42 feet to a corner on the easterly right-of-way line of the Montage Access Road; thence along said right-of-way line on a curve to the left having an arc length of 391.03 feet and a radius of 630.00 feet and a chord bearing south 08 degrees 08 minutes 37 seconds east 384.79 feet to a corner; thence on a curve to the right having an arc length of 101.75 feet and a radius of 8070.00 feet and a chord bearing south 25 degrees 33 minutes 49 seconds east 101.75 feet to the point of beginning.

Containing 5.3638 acres, more or less.

As shown on a map of lands of the Lackawanna County Multi-purpose Stadium Authority, the Borough of Moosic, Lackawanna County, Pennsylvania, dated August 12, 1986, prepared by G.S.G.S & B, Inc., Architects, Engineers and Planners, Clarks Summit, Pennsylvania.

(b) The conveyance shall be made under and subject to all easements, servitudes and rights of others, including, but not confined to, streets, roadways and rights of telephone, telegraph, water, electric, sewer, gas or pipeline companies, as well as under and subject to any interest, estates or tenancies vested in third persons, whether or not appearing of record, for any portion of the land or improvements erected thereon.

(c) The deed of conveyance shall contain a clause that the property conveyed shall be used for the Lackawanna County Multi-purpose Stadium, and, if at any time the county commissioners of Lackawanna County or its successor in function conveys the property to any person or entity other than the Lackawanna County Multi-purpose Stadium Authority or permits the property to be used for any purpose other than those specified in this section, the title to the property shall immediately revert to and revest in the Commonwealth of Pennsylvania.

(d) The deed of conveyance shall be approved as provided by law and shall be executed by the Secretary of General Services in the name of the Commonwealth of Pennsylvania.

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

Section 9. (a) The Department of General Services, with the approval of the Governor and the Department of Public Welfare, is authorized and directed on behalf of the Commonwealth of Pennsylvania to grant and convey to Kirwan Heights Volunteer Fire Department, for a consideration of \$23,500, the following tract of land situate in Collier Township, Allegheny County, Pennsylvania, described as follows:

Beginning at a point in the east right-of-way line of Pa. Route 50 (L.R.108), said point being located 30.00 feet east



of center line P.O.C. station 284+20.94 of Pa. Route 50 (L.R.108); thence along said right-of-way by a curve to the left with a radius of 11,429.19 feet and an arc of 33.02 feet to a point on tangent; thence still along said right-of-way north 30 degrees 43 minutes 39 seconds east, a distance of 132.15 feet to a point; the P.C. of a curve, curving to the left with a radius of 3,304.17 feet and an arc distance of 381.50 feet to a point, the P.R.C. of a curve in the east right-of-way of L.R.108 and the south right-of-way of L.R.802; thence along said curve, curving to the right with a radius of 70.00 feet and an arc distance of 61.27 feet to a point in said south right-of-way line of L.R.802; thence leaving said right-of-way and along the west right-of-way of Chartiers Creek by a curve curving to the left with a radius of 1,100.00 feet and an arc distance of 250.25 feet to a point of tangent; thence south 00 degrees 33 minutes 6 seconds west a distance of 100.31 feet to the P.C. of a curve curving to the right, with a radius of 400.00 feet and an arc distance of 108.11 feet to a point in the north line of the Allegheny County Home right-of-way; thence along said right-of-way north 73 degrees 57 minutes 46 seconds west a distance of 35.00 feet to a point, the P.C. of a curve curving to the right, with a radius of 365.00 feet and an arc of 16.00 feet to a point on said curve; thence still along said right-of-way south 74 degrees 33 minutes 24 seconds west a distance of 225.83 feet to the point of beginning.

Containing 1.305 acres, more or less.

(b) The conveyance shall be made under and subject to all easements, servitudes and rights of others, including, but not confined to, streets, roadways and rights of telephone, telegraph, water, electric, sewer, gas or pipeline companies, as well as under and subject to any interest, estates or tenancies vested in third persons, whether or not appearing of record, for any portion of the land or improvements erected thereon.

(c) The deed of conveyance shall contain a clause that the property conveyed shall be used for a volunteer fire station by Kirwan Heights Volunteer Fire Department, and, if at any time the Kirwan Heights Volunteer Fire Department or its successor in function conveys the property or permits the property to be used for any purpose other than those specified in this section, the title to the property shall immediately revert to and revest in the Commonwealth of Pennsylvania.

(c.1) (1) The Department of General Services, with the approval of the Governor and the Department of Public Welfare, is authorized and directed on behalf of the Commonwealth of Pennsylvania to execute the appropriate instrument to eliminate or rescind the possibility of reverter described in subsection (c).

(2) The consideration for elimination or rescission of the interest of the Commonwealth described in subsection (c) shall be \$23,500.

(3) The instrument eliminating or rescinding the Commonwealth's interest shall be executed by the Secretary of General Services in the name of the Commonwealth of Pennsylvania.

(4) Costs and fees incidental to the transaction authorized by this subsection shall be borne by the Kirwan Heights Volunteer Fire Department.

(d) The deed of conveyance shall be approved as provided by law and shall be executed by the Secretary of General Services in the name of the Commonwealth of Pennsylvania.

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

(9 amended July 6, 1995, P.L.301, No.45)

**Compiler's Note:** The Department of Public Welfare, referred to in this section, was redesignated as the Department of Human Services by Act 132 of 2014.

Section 10. (a) The Department of General Services, with the approval of the Governor and the Department of Public Welfare, is authorized and directed on behalf of the Commonwealth of Pennsylvania to grant and convey to the Urban Redevelopment Authority of Pittsburgh, for a consideration of one-half the fair market value as determined by an appraisal or the remaining bond indebtedness on the subject property, whichever is greater, the following described tract of land situate in the City of Pittsburgh, Allegheny County, Pennsylvania, bounded and described as follows:

FIRST

All those certain lots or parcels of ground situate in the Fifth Ward, City of Pittsburgh, County of Allegheny and Commonwealth of Pennsylvania, being Lots Nos. 1 to 16 inclusive, Lot No. 60 and Lots Nos. 63 and 64 in the Wm. V. Callery Plan, as recorded in the Recorder's Office of Allegheny County in Plan Book Volume 13, pages 114 and 115, being bounded and described as follows, to-wit:-  
Lots Nos. 1 to 16 inclusive:

Beginning at a point on the southerly line of Ridgeway Street (formerly Ridge Street) at the northwest corner of Lot No. 1 and the westerly line of said Plan of Lots and line of land now or late of William McConway; thence northeastwardly along the southerly line of said Ridgeway Street 434.11 feet to a point on the westerly line of Marcella Street; thence southwardly along the westerly line of said Marcella Street, 102.44 feet to a point on the northerly line of a 20-foot way; thence southwestwardly along the northerly line of said 20-foot way 401.44 feet to a point at the southwest corner of Lot No. 1 in said Plan of Lots; and thence northwestwardly along the westerly line of said Lot No. 1, along the westerly line of said Plan of Lots and along line of land now or late of the aforementioned William McConway, 95.17 feet to the point on the southerly line of Ridgeway Street at the place of beginning.  
Lot No. 60:

Beginning at a point on the northerly line of White Street at the dividing line between Lots Nos. 59 and 60 in said Plan of Lots; thence southwestwardly along the northerly line of said White Street 25 feet to a point at the dividing line between Lots Nos. 60 and 61 in said Plan of Lots; thence northwestwardly along said last mentioned dividing line 91.67 feet to a point on the southerly line of a 20-foot way; thence northeastwardly along the southerly line of said 20-foot way 25 feet to a point at the dividing line between Lots Nos. 59 and 60 in said Plan of Lots; and thence southeastwardly along said last mentioned dividing line 91.67 feet to a point on the northerly line of White Street at the place of beginning.  
Lots Nos. 63 and 64:

Beginning at a point on the northerly line of White Street at the dividing line between Lots Nos. 62 and 63 in said Plan of Lots; thence southwestwardly along the northerly line of said White Street 63.89 feet to a point at the southwest corner of Lot No. 64 in said Plan of Lots; thence northwestwardly along the westerly line of said Lot No. 64, along the westerly line of said Plan of Lots and along line of

land now or late of William McConway 91.83 feet to a point on the southerly line of a 20-foot way; thence northeastwardly along the southerly line of said 20-foot way 58.44 feet to a point at the dividing line between Lots Nos. 62 and 63 in said Plan of Lots; and thence southeastwardly along said last mentioned dividing line, 91.67 feet to the point on the northerly line of White Street at the place of beginning. The above described properties being the same properties as conveyed to the Tuberculosis League of Pittsburgh by the following deeds:

1. From James D. Callery et ux, et al, dated April 9, 1932, and recorded June 16, 1932, in Deed Book Volume 2472, page 61.
2. From Joseph Z. Porter et ux, dated May 11, 1927, recorded May 12, 1927, in Deed Book Volume 2316, page 548.
3. From Willie Claude Hightower et ux, dated May 11, 1927, recorded May 12, 1927, in Deed Book Volume 2316, page 547.
4. From William McConway et ux, dated March 29, 1912, recorded October 22, 1912, in Deed Book Volume 1754, page 207. Block No. 258, Lot No. 98, for 5th Ward property.

#### SECOND

All that certain lot or parcel of ground situate in the Sixth Ward, City of Pittsburgh, County of Allegheny and Commonwealth of Pennsylvania, being bounded and described as follows:

Beginning at a point at the southwesterly corner of Bigelow Boulevard (formerly Grant Boulevard) as widened by Ordinance No. 556 of the City of Pittsburgh, approved December 2, 1938, and recorded in Ordinance Book Volume 49, page 340, and Morgan Street (formerly Blakeley Street); thence along the southeasterly line of said Bigelow Boulevard south 62 degrees 48 minutes 17 seconds west, 200.50 feet to the point on line of land of the City of Pittsburgh; thence along line of land of the City of Pittsburgh south 27 degrees 11 minutes 43 seconds east 136.80 feet to a point on the northwesterly line of the aforementioned Morgan Street; and thence along the northwesterly line of said Morgan Street, north 28 degrees 29 minutes 57 seconds east 242.72 feet to the point at the southwesterly corner of Bigelow Boulevard and Morgan Street at the place of beginning. Block 25-S, Lot 104.

Subject to a street 30 feet wide known as Judson Street (formerly Jeremy Street) running southwestwardly through said property from Morgan Street to the southwesterly line of the lot hereinabove described.

Subject to slopes for said Bigelow Boulevard as same are fixed in Ordinance No. 163 of the City of Pittsburgh, approved March 29, 1939, recorded in Ordinance Book Volume 49, page 614.

#### THIRD

All that certain lot or parcel of ground situate in the Sixth Ward of the City of Pittsburgh, County of Allegheny and Commonwealth of Pennsylvania, being Lots Nos. 1 to 28 inclusive in Jones, Jeremy and Scully Plan, as recorded in the Recorder's Office of Allegheny County in Plan Book Volume 4, pages 152 and 153, being bounded and described as follows:

Beginning at a point at the northeasterly corner of Ridgeway Street (formerly Ridge Street) and Morgan Street (formerly Blakeley Street); thence along the northwesterly line of said Ridgeway Street north 60 degrees 56 minutes 57 seconds east 458.24 feet to a point on the Denny Manor Line; thence along the Denny Manor Line north 59 degrees 40 minutes 3 seconds west 246.00 feet to a point on the southeasterly line of the aforementioned Morgan Street; and thence along the southeasterly line of said Morgan Street south 28 degrees 29 minutes 57 seconds west 394.56 feet to the point at the northeasterly

corner of Ridgeway Street and Morgan Street at the place of beginning. Block 25-S, Lot No. 98.

The second and third described properties being the same properties which Andrew Carnegie et al. Trustees under Will of Mary E. Schenley, Deceased, by deed dated February 2, 1916, and recorded March 2, 1916, in Deed Book Volume 1836, page 625, granted and conveyed unto the Tuberculosis League of Pittsburgh.

#### FOURTH

All that certain lot or parcel of ground situate in the Fifth Ward, City of Pittsburgh, County of Allegheny and Commonwealth of Pennsylvania, being bounded and described according to United States Standard Measure as follows:

Beginning at a point on the northwesterly line of Bedford Avenue at line of land now or late of Henry W. Oliver, Jr., said point being the westerly line of the Wm. V. Callery Plan, recorded in the Recorder's Office of Allegheny County in Plan Book Volume 13, pages 114 and 115 and distant along the northwesterly line of said Bedford Avenue south 60 degrees 56 minutes 57 seconds west 130.15 feet from the northwesterly line of said Bedford Avenue and Tulsa Street; thence along the northwesterly line of said Bedford Avenue south 60 degrees 56 minutes 57 seconds west 229.10 feet to a point; thence along other land of the party of the first part the following 5 courses and distances: north 25 degrees 54 minutes 33 seconds west 261.24 feet to a point; south 78 degrees 36 minutes 32 seconds west 37.98 feet to a point; north 25 degrees 54 minutes 33 seconds west 95.00 feet to a point; south 64 degrees 05 minutes 27 seconds west 101.11 feet to a point; south 25 degrees 46 minutes 53 seconds east 105.63 feet to a point on line of land of the Housing Authority of the City of Pittsburgh at the center line of a 20-foot right-of-way described in deed from the Housing Authority of the City of Pittsburgh to the Tuberculosis League of Pittsburgh, dated November 7, 1952, and recorded in the Recorder's Office of Allegheny County in Deed Book Volume 3247, page 194; thence along line of land of the Housing Authority of the City of Pittsburgh, south 64 degrees 03 minutes 07 seconds west 155.12 feet to a point on the northeasterly line of Morgan Street now vacated; thence along the northeasterly line of said Morgan Street north 25 degrees 46 minutes 53 seconds west 149.32 feet to a point; thence along line of land now or late of Harding Harston north 64 degrees 03 minutes 07 seconds east 44.24 feet to a point; thence along the same north 25 degrees 46 minutes 53 seconds west 54.92 feet to a point on the southeasterly line of Ridgeway Street (formerly Ridge Street): thence along the southeasterly line of said Ridgeway Street, north 60 degrees 56 minutes 57 seconds east 480.17 feet to a point on line of land now or late of Henry W. Oliver, Jr., and the westerly line of the aforementioned Plan of Lots; and thence along said last mentioned line, south 25 degrees 39 minutes 03 seconds east 478.05 feet to the point on the northwesterly line of Bedford Avenue at the place of beginning.

For chain of title to premises 4th above described, see the following deeds to the Tuberculosis League of Pittsburgh:

1. From H. A. Phillips, unmarried, dated June 16, 1921, recorded June 23, 1921, in Deed Book Volume 2071, page 93.

2. From William McConway et ux, dated March 5, 1910, recorded June 21, 1910, in Deed Book Volume 1672, page 305.

3. From Huston Brothers Company, dated April 20, 1920, recorded May 14, 1920, in Deed Book Volume 2046, page 227. Block 258, Lot No. 98.

#### FIFTH

The free and uninterrupted use, liberty and privilege in common with the parties of the first part, its successors and assigns, the Housing Authority of the City of Pittsburgh, its successors and assigns, together with their tenants and occupiers for the time being and licensees, for said second party, its successors and assigns and its agents, servants and licensees at its and their will and pleasure at all times and purposes, to go, return, pass and repass by vehicle and on foot along and over a certain paved private road 20 feet wide and approximately 265 feet long, through property now or formerly of the Housing Authority of the City of Pittsburgh, abutting property of the Tuberculosis League of Pittsburgh, said road being situate in the Fifth Ward, City of Pittsburgh and bounded and described as follows:

Beginning at a point, said point being on the northerly side of Bedford Avenue and distant south 60 degrees 55 minutes 42 seconds west 12.07 feet from the intersection of the lands now or formerly of the Housing Authority of the City of Pittsburgh and lands of the Tuberculosis League of Pittsburgh; thence continuing along said northerly side of Bedford Avenue, south 60 degrees 55 minutes 42 seconds west 20.12 feet to a point; thence along lands now or formerly of the Housing Authority of the City of Pittsburgh, north 25 degrees 48 minutes 18 seconds west 267.70 feet to lands of the Tuberculosis League of Pittsburgh; thence along the same, north 64 degrees 11 minutes 42 seconds east 20 feet to a point; thence along lands now or formerly of the Housing Authority of the City of Pittsburgh, south 25 degrees 48 minutes 18 seconds east 266.55 feet to the northerly side of Bedford Avenue at the place of beginning.

Together with and subject to the various rights and obligations appurtenant to above described right-of-way as more fully set forth and described in deed of the Housing Authority of the City of Pittsburgh to the Tuberculosis League of Pittsburgh, dated November 7, 1952, of record in Deed Book Volume 3247, page 194.

Being the same right-of-way as conveyed by the aforesaid deed of the Housing Authority of the City of Pittsburgh to the Tuberculosis League of Pittsburgh, dated November 7, 1952, recorded in Deed Book Volume 3247, page 194.

Except coal and mining rights, granted or reserved by prior instruments of record.

(b) The Commonwealth of Pennsylvania shall maintain the property until such time as title is conveyed. Title shall be conveyed at such time, within 18 months after the effective date of this act, as the Urban Redevelopment Authority of Pittsburgh pays the consideration required by subsection (a).

(c) The conveyance shall be made under and subject to all easements, servitudes and rights of others, including, but not confined to, streets, roadways, and rights of any telephone, telegraph, water, electric, sewer, gas or pipeline companies, as well as under and subject to any interest, estates or tenancies vested in third persons, whether or not appearing of record, for any portion of the land or improvements erected thereon.

(d) The deed of conveyance shall contain a clause that the lands conveyed shall be used for housing and care for the elderly, and, if at any time the Urban Redevelopment Authority of Pittsburgh or its successor in function conveys the property or authorizes or permits the property to be used for any purpose other than housing and care for the elderly, the title thereto shall immediately revert to and revest in the Commonwealth of Pennsylvania.

(e) The deed of conveyance shall be approved as provided by law and shall be executed by the Secretary of General Services in the name of the Commonwealth of Pennsylvania.

(f) Costs and fees incidental to this conveyance shall be borne by the grantee.

**Compiler's Note:** The Department of Public Welfare, referred to in this section, was redesignated as the Department of Human Services by Act 132 of 2014.

**Compiler's Note:** Section 3 of Act 20 of 1990 provided that section 10 is repealed insofar as it is inconsistent with that act.

Section 11. (a) The Department of General Services, with the approval of the Governor, is authorized and directed on behalf of the Commonwealth of Pennsylvania to grant and convey to the Canon-McMillan School District, for a consideration of one-half of the fair market value, the following tract of land situate in the Borough of Canonsburg, Washington County, Pennsylvania, bounded and described as follows:

Beginning at the northern-most corner of Parcel C in Strabane Avenue, which lies south 74 degrees 02 minutes 48 seconds east 43.49 feet from a corner of Parcel B; thence along or near Chartiers Creek, the following four courses: south 37 degrees 24 minutes 13 seconds east 90.51 feet; thence south 29 degrees 38 minutes 31 seconds east 169.71 feet to an iron pin; thence south 10 degrees 58 minutes 17 seconds east 107.79 feet; thence south 19 degrees 15 minutes 24 seconds east 127.23 feet to an iron pin on other lands of the Department of Energy; thence along lands of the Department of Energy south 78 degrees 31 minutes 00 seconds west 435.75 feet to an iron pin in Strabane Avenue, the following four courses: north 5 degrees 00 minutes 00 seconds east 195.99 feet; thence north 21 degrees 00 minutes 00 seconds east 91.70 feet; thence north 30 degrees 00 minutes 00 seconds east 139.33 feet; thence north 39 degrees 05 minutes 00 seconds east 168.20 feet to an iron pin and the place of beginning.

Containing 3.109 acres, more or less.

The property is more specifically shown in Drawing No. 861128, dated 28 November 1986.

(b) In addition to the specific right-of-way conveyance in subsection (c) to West Penn Power Company, the conveyance shall be made under and subject to all easements, servitudes and rights of others, including, but not confined to, streets, roadways and rights of telephone, telegraph, water, electric, sewer, gas or pipeline companies, as well as under and subject to any interest, estates and tenancies vested in third persons, whether or not appearing of record, for any portion of land or improvements erected thereon.

(c) The Department of General Services, with the approval of the Governor, excepts from the above-described conveyance a right-of-way over said parcel, and the department grants and conveys to the West Penn Power Company, a Pennsylvania corporation with offices in Greensburg, Westmoreland County, Pennsylvania, its successors and assigns, said right-of-way over, under and upon the above-described parcel to construct, operate, repair, maintain, remove and rebuild a portion of an existing electric transmission system. The route of said right-of-way is described as follows:

A right-of-way, 30 feet wide and located on the southeast side and adjacent to Strabane Avenue in the Borough of Canonsburg, Washington County, Pennsylvania, between the northern right-of-way line of ConRail and the center of a bridge

over Chartiers Creek. The length of said right-of-way is 750 plus (or more) feet and is on property now or formerly of the Department of Environmental Resources. The West Penn Power Company, its successors and assigns, are also granted the right to cross the above-described parcel by foot or vehicle for the purposes of exercising this easement and are further granted the right to cut, trim, remove and control all trees which may interfere with or threaten to interfere with the transmission system. The West Penn Power Company is also granted the right to permit other companies to attach wires and cables to the poles erected on said right-of-way for the purpose of furnishing telephone, telegraph, television or electric service.

(d) In the event there are recoverable minerals (including gas and oil) within this area hereby transferred and conveyed, the mineral rights are hereby also transferred and conveyed, provided that the right of support of the area is included within the scope of this transfer and conveyance.

(e) The deed of conveyance shall contain the following clauses:

(1) That the lands conveyed shall be used for school district business or administrative or maintenance purposes, but not educational or residential purposes, by the Canon-McMillan School District, and, if at any time the school district or its successor in function conveys said property or permits, said property to be used for any purpose other than those aforementioned, the title thereto shall immediately revert to and revest in the Commonwealth of Pennsylvania.

(2) That the monitoring well located in the parcel transferred and conveyed shall not be disturbed, and access by foot or vehicle for purposes of monitoring and surveillance activities shall be granted to the Department of Environmental Resources, the United States Department of Energy, or their successors and assigns, or their duly authorized representatives.

(3) That monitoring for the purposes of measuring and assessing the presence of radioactive materials, including, but not limited to, radon and its daughter products, their amounts and concentrations, shall be performed by the school district in and around any and all buildings erected on the above-described parcel.

(4) That no additional wells for water supply or usage shall be drilled, located or installed in the above-described parcel.

(5) That at suchtime as the monitoring and surveillance program of the Department of Environmental Resources or the United States Department of Energy, or their successors and assigns, discloses no migration of significant quantities of contaminated groundwater or no levels of radon or of its daughter products in excess of specified or regulated limits, the conditions of paragraphs (2), (3) and (4) may be lifted and the restrictions withdrawn.

(f) The deed of conveyance shall be approved as provided by law and shall be executed by the Secretary of General Services in the name of the Commonwealth of Pennsylvania.

(g) Costs and fees incidental to these conveyances shall be borne by the grantees.

**Compiler's Note:** The Department of Environmental Resources, referred to in this section, was abolished by Act 18 of 1995. Its functions were transferred to the Department

of Conservation and Natural Resources and the Department  
of Environmental Protection.