

**ADMINISTRATIVE CODE OF 1929, THE - OMNIBUS AMENDMENTS**

**Act of Jul. 6, 1995, P.L. 301, No. 45**

**Cl. 71**

Session of 1995

No. 1995-45

SB 273

**AN ACT**

Amending the act of October 23, 1988 (P.L.1059, No.122), entitled "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," further providing for a conveyance of land to the Kirwan Heights Volunteer Fire Department located in Collier Township, Allegheny County; authorizing the Department of General Services, with the approval of the Governor, to sell and convey to the Downingtown Industrial and Agricultural School certain land situate in East Brandywine Township, Chester County; authorizing the Department of Public Welfare and the Department of General Services, with the approval of the Governor, to sell and convey to the Glaziers & Glassworkers Union Local #252 certain land situate in the City of Philadelphia, Pennsylvania; and authorizing and directing the Department of General Services, with the approval of the Governor, to convey to Penn Township a tract of land situate in Penn Township, Snyder County, Pennsylvania.

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

Section 1. Section 9 of the act of October 23, 1988 (P.L.1059, No.122), entitled "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 employees in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employees 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," is amended to read:

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 revert 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 [these conveyances] **the conveyance** shall be borne by the grantees.

Section 2. (a) The Department of General Services, with the approval of the Governor, and subject to that certain Settlement Agreement dated November 22, 1994, as approved by the United States Bankruptcy Court for the Eastern District of Pennsylvania by Order dated January 18, 1995, in the matter of In Re Downingtown Industrial and Agricultural School, Bankruptcy No.94-11370DAS is authorized and directed on behalf of the Commonwealth of Pennsylvania to grant and convey to the Downingtown Industrial and Agricultural School, Chester County, for a consideration of \$1, the following described tracts of land, with structures, facilities, buildings and improvements erected thereon, situate in the Township of East Brandywine, Chester County, Pennsylvania, bounded and described as follows:

Tract No. 1

Beginning at an iron pin set at an interior point in line of lands of East Brandywine Baptist Church, said point being

measured by the two following courses and distances along the last-mentioned lands from a point on the title line in the bed of Horseshoe Pike (said pike extending in a general northwesterly direction from Downingtown to Honeybrook): (1) north 22 degrees 11 minutes 30 seconds east crossing the northeasterly side of Horseshoe Pike 254.10 feet to an iron pin and (2) north 41 degrees west 528.03 feet to the point of beginning; thence extending from said point of beginning along the last-mentioned lands north 58 degrees 8 minutes 50 seconds west 256 feet to a point; thence extending through the land of Downingtown Industrial and Agricultural School the four following courses and distances: (1) north 31 degrees 51 minutes 10 seconds east 616 feet to a point; (2) north 86 degrees 21 minutes 10 seconds east 225 feet to a point; (3) south 2 degrees 56 minutes 20 seconds west crossing a driveway, an existing walk and crossing an existing T. C. Sanitary Sewer 586 feet to a point; and (4) south 73 degrees 51 minutes 50 seconds west 314.53 feet to the first-mentioned interior point and place of beginning.

Containing in area 5.825 acres.

Tract No. 2

Beginning at an interior point in the property of Downingtown Industrial and Agricultural School, said point being measured by the two following courses and distances from a point on the title line in the bed of Horseshoe Pike (said pike extending in a general northwesterly direction from Downingtown to Honeybrook), a corner of lands now or late of C. Wallace MacFarlin: (1) along the last-mentioned lands north 9 degrees 9 minutes east crossing the northeasterly side of Horseshoe Pike 274.02 feet to an iron pin, a corner of said Downingtown Industrial and Agricultural School; and (2) through the last-mentioned land north 31 degrees east 385 feet to the point of beginning; thence extending from said point of beginning through the land of Downingtown Industrial and Agricultural School the four following courses and distances: (1) north 31 degrees east crossing an existing T. C. Sanitary Sewer 195 feet to a point; (2) south 87 degrees 40 minutes east 386 feet to a point; (3) south 18 degrees 30 minutes east 173 feet to a point; and (4) north 88 degrees 39 minutes 50 seconds west 541.15 feet to the first-mentioned interior point and place of beginning.

Containing in area 1.769 acres.

(b) Each 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) Each 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.

(d) Costs and fees incidental to these conveyances shall be borne by the grantee.

Section 3. (a) The Department of Public Welfare and the Department of General Services, with the approval of the Governor, are hereby authorized and directed on behalf of the Commonwealth of Pennsylvania, to grant, sell and convey to the Glaziers & Glassworkers Union Local #252 for consideration equal to the fair market value as determined by appraisal and agreed to by the parties, the tract of land described in subsection (b).

(b) The property to be conveyed under subsection (a) is the following tract of land situate in the 66th Ward of the City of Philadelphia, Pennsylvania, bounded and described as follows:

Beginning at a point on the southwesterly side of Southampton - Byberry Road (70 feet wide) at the distance of 497.198 feet northwestwardly from a point of tangency, said point of tangency being the northwesterly end of a curve connecting the northwesterly side of Townsend Road (70 feet wide) with the southwesterly side of the said Southampton - Byberry Road, having the radius of 25 feet and the arc distance of 39.082 feet; thence extending south 48 degrees 31 minutes 54 seconds west the distance of 353.740 feet to a point; thence extending north 41 degrees 28 minutes 6 seconds west the distance of 91.590 feet to a point; thence extending north 48 degrees 31 minutes 54 seconds east along the southeasterly side of a certain 35-foot wide proposed easement the distance of 354.427 feet to a point on the southwesterly side of the said Southampton - Byberry Road; thence extending south 41 degrees 2 minutes 19 seconds east along the southwesterly side of the said Southampton - Byberry Road the distance of 91.592 feet to the first mentioned point and place of beginning less and excepting the Department of Public Welfare's Woodhaven Institutional Road (a.k.a. "Williams Lane").

Containing an area of 32,430 square feet or 0.74449 acres, being the same premises as described in accordance with a Survey and Plan of Property (F-2275) made by Barry Slepion, Surveyor and Regulator of the Fourth Survey District dated May 22, 1995.

(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 be approved as provided by law and shall be executed by the Secretary of General Services in the name of the Commonwealth.

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

Section 4. (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 convey to Penn Township, Snyder County, the following tract of land situate in Penn Township, Snyder County, Pennsylvania, for a consideration of one-half of the fair market value, the following:

All that certain tract or parcel of land situate in Penn Township, Snyder County, Pennsylvania, more particularly bounded and described as follows:

Beginning at a point in the center line of Pennsylvania State Route 1011 which point is also the north corner of land of the Penn Township supervisors; thence along land of the Penn Township supervisors south 38 degrees 51 minutes 52 seconds west a distance of 512.15 feet to a point; thence along same south 5 degrees 15 minutes 49 seconds east a distance of 337.17 feet to a point; thence along land now or formerly of Hank Chiarkas south 84 degrees 44 minutes 11 seconds west a distance of 814.26 feet to a point; thence along land now or formerly of J. Walter Stauffer and Cleta H. Stauffer north 4 degrees 51 minutes 28 seconds west a distance of 1,684.55 feet to a point; thence along land of same and a dirt lane north 84 degrees 44

minutes 11 seconds east a distance of 323.20 feet to a point in the center line of Pennsylvania State Route 1011; thence along the center line of Pennsylvania State Route 1011 south 36 degrees 54 minutes 25 seconds east a distance of 365.07 feet to a point; thence along same on a curve to the left having a radius of 1,031.09 feet and a length of 256.06 feet to a point; thence along same south 51 degrees 8 minutes 8 seconds east a distance of 674.72 feet to a point, the place of beginning.

Containing 30.28 acres of vacant land of which 0.49 of an acre is within the highway right-of-way. Being a portion of Parcel No. 107 on Snyder County Tax Map PN-8.

Being part of Tract One which Stephen Traver, et al, by their deed dated February 19, 1919, recorded April 15, 1919, in the Office of the Recorder of Deeds in and for Snyder County at Middleburg, Pennsylvania, in Deed Book 40 at Page 21, granted and conveyed to the Commonwealth of 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 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 deed of conveyance shall contain a clause that the property conveyed shall be used for any municipal purpose permitted under the act of May 1, 1933 (P.L.103, No.69), known as The Second Class Township Code, by Penn Township, Snyder County, and if at any time Penn Township or its successor in function conveys the property or permits the property to be used for any purpose other than those specified in this subsection, the title to the property shall immediately revert to and revest in the Commonwealth of Pennsylvania.

(d) The proceeds of this sale shall be paid into the Agricultural Conservation Easement Purchase Fund.

(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.

Section 5. This act shall take effect immediately.

APPROVED--The 6th day of July, A. D. 1995.

THOMAS J. RIDGE