

**CONVEYANCE - COMMONWEALTH PROPERTY IN BENNER TOWNSHIP, CENTRE
COUNTY**

Act of Mar. 15, 2006, P.L. 59, No. 21

Cl. 85

AN ACT

Authorizing and directing the Department of General Services, with the approval of the Governor, to grant and convey to Centre County Industrial Development Corporation certain lands situate in Benner Township, Centre County.

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

Section 1. Conveyance in Benner Township, Centre County.

(a) Authorization.--The Department of General Services, with the approval of the Governor, is hereby authorized and directed on behalf of the Commonwealth of Pennsylvania to grant and convey to Centre County Industrial Development Corporation certain lands situate in Benner Township, Centre County, for \$1.

(b) Legal description.--The property to be conveyed pursuant to this section consists of three tracts of land totaling approximately 135.4367 acres, and any improvements thereon, bounded and more particularly described as follows:

TRACT 1

ALL THAT CERTAIN PARCEL of land situated in Benner Township, Centre County, Pennsylvania more fully bounded and described as follows:

BEGINNING at a point at the intersection of the southern right-of-way line for limited access of State Route 6026, section C03 and the southwestern line of lands now or formerly of the Ault Family Limited Partnership, which point is 262.04 feet right of Station 51+42.96 of Ramp "J" Survey and Construction centerline, as shown on plans entitled "Commonwealth of Pennsylvania Department of Transportation drawings for construction of State Route 6026, Section C03 in Centre County and also State Route 3041, State Route 1050, State Route 8017 and State Route 8019", approved by the Secretary of Transportation on the 6th of November 1998:

THENCE along lands of the Ault Family Limited Partnership the following two (2) courses:

1. South 44 degrees 32 minutes 37 seconds East, 1576.71 feet to a point; THENCE

2. South 37 degrees 23 minutes 38 seconds East, 128.46 feet to a point at the common northern corner of lands now or formerly of Carol A. Shuey, and the eastern corner of the herein described parcel;

THENCE along lands of Carol A. Shuey the following two (2) courses:

1. South 58 degrees 47 minutes 26 seconds West, 1151.70 feet to a point at the western corner of lands of Shuey; THENCE

2. South 15 degrees 48 minutes 34 seconds East, 704.30 feet to a point in the northern line of lands now or formerly of John W. Krout & Marjorie V. Krout at the common southern corner of lands of Shuey and the southeastern corner of the herein described parcel;

THENCE along lands of Krout South 58 degrees 47 minutes 26 seconds West, 1660.59 feet to a point at the common western corner of lands of Krout and the northeastern corner of lands conveyed by Martin Luther Ishler & Laura L. Ishler to the Commonwealth of Pennsylvania by deed dated 26 September, 1944 and recorded in Centre County Deed Book 180 at Page 217;

THENCE through lands conveyed by Wesley W. Tate & Ida M. Tate to the Commonwealth of Pennsylvania by deed dated 11 October, 1929 and recorded in Centre County Deed Book 140 at Page 40, and continuing through lands conveyed by Adam Y. Wagner & Susannah Wagner to the Commonwealth of Pennsylvania by deed dated 7 March, 1913 and recorded in Centre County Deed Book 113 at Page 299 along a new line now established South 84 degrees 42 minutes 50 seconds West, 1279.64 feet to a point in the eastern right-of-way line of the Benner Pike, State Route 1050, a variable width right-of-way, which point is 30.00 feet right of Station 281+00.00 of State Route 1050 Survey and Construction centerline, as shown on the above mentioned Department of Transportation drawings;

THENCE along the eastern right-of-way line of the Benner Pike the following three (3) courses:

1. North 15 degrees 05 minutes 06 seconds East, 500.00 feet to a point; THENCE

2. North 46 degrees 02 minutes 55 seconds East, 58.31 feet to a point; THENCE

3. North 15 degrees 05 minutes 06 seconds East, 250.00 feet to a point at the beginning of limited access right-of-way which point is 60.00 feet right of Station 289+00.00 of State Route 1050 Survey and Construction centerline, as shown on the above mentioned Department of Transportation drawings;

THENCE along the eastern and southern right-of-way line for limited access, as shown on the above mentioned Department of Transportation drawings; the following sixteen (16) courses:

1. North 15 degrees 05 minutes 06 seconds East, 200.00 feet to a point which is 60.00 feet right of Station 291+00.00 of State Route 1050 Survey and Construction centerline, as shown on the above mentioned Department of Transportation drawings; THENCE

2. North 17 degrees 56 minutes 50 seconds East, 200.25 feet to a point which is 70.00 feet right of Station 293+00.00 of State Route 1050 Survey and Construction centerline, as shown on the above mentioned Department of Transportation drawings; THENCE

3. North 20 degrees 57 minutes 12 seconds East, 516.26 feet to a point of curvature which is 70.00 feet right of Station 20+99.56 of Ramp "J" Survey and Construction centerline, as shown on the above mentioned Department of Transportation drawings;

THENCE not tangent to the previous course

4. by the arc of a curve to the right having a radius of 290.00 feet, central angle of 61 degrees 27 minutes 12 seconds, chord bearing and distance of North 49 degrees 34 minutes 02 seconds East, 296.35 feet an arc length of 311.04 feet to a point which is 70.00 feet right of Station 24+85.69 of Ramp "J" Survey and Construction centerline, as shown on the above mentioned Department of Transportation drawings;

THENCE not tangent to the previous course

5. North 85 degrees 37 minutes 32 seconds East, 215.25 feet to a point which is 90.00 feet right of Station 27+00.00 of Ramp "J" Survey and Construction centerline, as shown on the above mentioned Department of Transportation drawings; THENCE

6. North 78 degrees 05 minutes 04 seconds East, 222.13 feet to a point which is 100.00 feet right of Station 29+00.00 of Ramp "J" Survey and Construction centerline, as shown on the above mentioned Department of Transportation drawings; THENCE

7. North 62 degrees 40 minutes 44 seconds East, 176.94 feet to a point which is 110.00 feet right of Station 30+50.00 of

Ramp "J" Survey and Construction centerline, as shown on the above mentioned Department of Transportation drawings; THENCE

8. North 49 degrees 22 minutes 31 seconds East, 180.50 feet to a point which is 125.00 feet right of Station 32+00.00 of Ramp "J" Survey and Construction centerline, as shown on the above mentioned Department of Transportation drawings; THENCE
9. North 23 degrees 38 minutes 03 seconds East, 258.01 feet to a point which is 125.00 feet right of Station 34+00.00 of Ramp "J" Survey and Construction centerline, as shown on the above mentioned Department of Transportation drawings; THENCE
10. North 09 degrees 03 minutes 31 seconds West, 240.61 feet to a point which is 100.00 feet right of Station 36+00.00 of Ramp "J" Survey and Construction centerline, as shown on the above mentioned Department of Transportation drawings; THENCE
11. North 12 degrees 58 minutes 15 seconds West, 277.07 feet to a point of curvature which is 90.00 feet right of Station Equality 38+76.89 back and 38+89.84 ahead of Ramp "J" Survey and Construction centerline, as shown on the above mentioned Department of Transportation drawings; THENCE not tangent to the previous course
12. by the arc of a curve to the right having a radius of 410.00 feet, central angle of 60 degrees 28 minutes 09 seconds, chord bearing and distance of North 19 degrees 19 minutes 55 seconds East, 412.90 feet an arc length of 432.71 feet to a point of compound curvature which is 90.00 feet right of Station 44+17.53 of Ramp "J" Survey and Construction centerline, as shown on the above mentioned Department of Transportation drawings; THENCE
13. by the arc of a curve to the right having a radius of 3184.05 feet, central angle of 04 degrees 30 minutes 20 seconds, chord bearing and distance of North 51 degrees 49 minutes 10 seconds East, 250.33 feet an arc length of 250.39 feet to a point which is 90.00 feet right of Station 46+75.00 of Ramp "J" Survey and Construction centerline, as shown on the above mentioned Department of Transportation drawings; THENCE not tangent to the previous course and along the hereinafter described Reassigned Right-of-Way
14. North 66 degrees 38 minutes 10 seconds East, 346.57 feet to a point which is 150.00 feet right of Station 50+25.00 of Ramp "J" Survey and Construction centerline, as shown on the above mentioned Department of Transportation drawings; THENCE
15. South 67 degrees 14 minutes 24 seconds East, 134.43 feet to a point which is 260.00 feet right of Station 51+00.00 of Ramp "J" Survey and Construction centerline, as shown on the above mentioned Department of Transportation drawings; THENCE
16. North 60 degrees 22 minutes 52 seconds East, 43.01 feet to the point of BEGINNING.

CONTAINING 5,817,004 square feet or 133.5400 acres of land gross area, more or less.

TRACT 2

BEGINNING at a point in the southeastern right-of-way line of relocated Rishel Hill Road, Benner Township Road number 532 (T-532) at the northern corner of the herein described easement, which point is 40.00 feet right of Station 49+66.44 of Prison Road "E" Survey and Construction centerline, as shown on plans entitled "Commonwealth of Pennsylvania Department of Transportation drawings for construction of State Route 6026, Section C03 in Centre County and also State Route 3041, State Route 1050, State Route 8017 and State Route 8019", approved by the Secretary of Transportation on the 6th of November 1998; THENCE through lands conveyed by S.H. Hoy & Blanch E. Hoy to the Commonwealth of Pennsylvania by deed dated 2 December, 1929

and recorded in Centre County Deed Book 142 at Page 39 along new lines now established the following two (2) courses:

1. South 31 degrees 54 minutes 58 seconds East, 266.44 feet to a point; THENCE

2. South 37 degrees 49 minutes 20 seconds East, 291.79 feet to a point in a curve in the northern right-of-way line for limited access of State Route 6026 at the southeastern corner of the herein described parcel which point is 70.03 right of Station 44+09.76 of prison road "E" Survey and Construction centerline, as shown on the above mentioned Department of Transportation drawings;

THENCE along the northern right-of-way line for limited access and along the hereinafter described Reassigned Right-of-Way by the arc of a curve to the right not tangent to the previous course having a radius of 11379.16 feet, central angle of 0 degrees 42 minutes 21 seconds, chord bearing and distance of South 60 degrees 31 minutes 32 seconds West, 140.18 feet an arc length of 140.18 feet to a point at the southwestern corner of the herein described parcel, which point is 70.03 feet left of Station 44+15.73 of Prison Road "E" Survey and Construction centerline, as shown on the above mentioned Department of Transportation drawings;

THENCE through said lands conveyed by S.H. Hoy & Blanch E. Hoy to the Commonwealth of Pennsylvania by deed dated 2 December, 1929 and recorded in Centre County Deed Book 142 at Page 39 along new lines now established the following two (2) courses:

1. not tangent to the previous course North 25 degrees 53 minutes 10 seconds West, 285.85 feet to a point; THENCE

2. North 31 degrees 54 minutes 58 seconds West, 266.44 feet to a point in the above mentioned southeastern right-of-way line of relocated Rishel Hill Road, Benner Township Road number 532 (T-532) at the northwestern corner of the herein described easement, which point is 40.00 feet left of Station 49+66.44 of Prison Road "E" Survey and Construction centerline, as shown on the above mentioned Department of Transportation drawings;

THENCE along the southeastern right-of-way line of relocated Rishel Hill Road, Benner Township Road number 532 (T-532) by the arc of a curve to the left not tangent to the previous course having a radius of 555.87 feet, central angle of 8 degrees 15 minutes 11 seconds, chord bearing and distance of North 58 degrees 05 minutes 04 sections East, 80.00 feet an arc length of 80.07 feet to the point of BEGINNING.

CONTAINING 52,865 square feet or 1.2136 acres of land gross area, more or less.

TRACT 3

BEGINNING at a point in a curve in the northern right-of-way line for limited access of State Route 6026 at the northeastern corner of the herein described parcel which point is 40.00 feet right of Station 44+10.89 of Prison Road "E" Survey and Construction centerline, as shown on plans entitled

"Commonwealth of Pennsylvania Department of Transportation drawings for construction of State Route 6026, Section C03 in Centre County and also State Route 3041, State Route 1050, State Route 8017 and State Route 8019", approved by the Secretary of Transportation of the 6th of November 1998, and which point is in the southern line of the above described Proposed Access Easement;

THENCE through lands conveyed by S. H. Hoy & Blanch E. Hoy to the Commonwealth of Pennsylvania by deed dated 2 December, 1929 and recorded in Centre County Deed Book 142 at Page 39, and continuing through lands conveyed by Wesley W. Tate & Ida M.

Tate to the Commonwealth of Pennsylvania by deed dated 11 October, 1929 and recorded in Centre County Deed Book 140 at Page 40, along the existing right-of-way line for Commonwealth of PA (Department of Corrections at Rockview) as shown on the above mentioned Department of Transportation drawings the following two (2) courses:

1. South 31 degrees 54 minutes 58 seconds East, 280.38 feet to a point of curvature; THENCE
2. by the arc of a curve to the right having a radius of 315.00 feet, central angle of 17 degrees 25 minutes 58 seconds, chord bearing and distance of South 23 degrees 11 minutes 58 seconds East, 95.47 feet an arc length of 95.84 feet to a point in the southern right-of-way line for limited access of State Route 6026 at the southeastern corner of the herein described parcel, which point is 40.00 feet right of Station 40+46.84 of Prison Road "E" Survey and Construction centerline, and which point is in the northern line of the above described Proposed Parcel to be Conveyed to CBICC, course number 14 and is South 66 degrees 38 minutes 10 seconds West, 13.71 feet from the terminus of said course;

THENCE along the southern right-of-way line for limited access of State Route 6026 and the northern line of the above described Proposed Parcel to be Conveyed to CBICC, South 66 degrees 38 minutes 10 seconds West, 81.31 feet to a point at the southwestern corner of the herein described parcel, which point is 40.00 feet left of Station 40+32.14 of Prison Road "E" Survey and Construction centerline;

THENCE through lands conveyed by Wesley W. Tate & Ida M. Tate to the Commonwealth of Pennsylvania by deed dated 11 October, 1929 and recorded in Centre County Deed Book 140 at Page 40, and continuing through lands conveyed by S. H. Hoy & Blanch E. Hoy to the Commonwealth of Pennsylvania by deed dated 2 December, 1929 and recorded in Centre County Deed Book 142 at Page 39, along the existing right-of-way line for Commonwealth of PA (Department of Corrections at Rockview) as shown on the above mentioned Department of Transportation drawings the following two (2) courses:

1. by the arc of a curve to the left having a radius of 235.00 feet, central angle of 20 degrees 29 minutes 42 seconds, chord bearing and distance of North 21 degrees 40 minutes 07 seconds West, 83.61 feet an arc length of 84.06 feet to a point of tangency; THENCE

2. North 31 degrees 54 minutes 58 seconds West, 283.79 feet to a point in a curve in the above mentioned northern right-of-way line for limited access of State Route 6026 at the northwestern corner of the herein described parcel, which point is 40.00 feet left of Station 44+14.30 of Prison Road "E" Survey and Construction centerline; and which point is in the southern line of the above described Proposed Access Easement;

THENCE along the northern right-of-way line for limited access, and the southern terminus of the above described Proposed Access Easement of State Route 6026 by the arc of a curve to the left not tangent to the previous course having a radius of 11379.16 feet, central angle of 0 degrees 24 minutes 11 seconds, chord bearing and distance of North 60 degrees 31 minutes 32 seconds East, 80.07 feet an arc length of 80.07 feet to the point of BEGINNING.

CONTAINING 29,758 square feet or 0.6831 acres of land gross area, more or less.

(c) Easements and other rights and interests.--The conveyance shall be made under and subject to all lawful and enforceable easements, servitudes and rights of others,

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

(d) Condition of limited use.--Any conveyance authorized under this act 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 State law. 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 act to be used in violation of this subsection, the title shall immediately revert to and revest in the Grantor.

(e) Covenant language.--The deed of conveyance shall contain the following covenant:

Under and subject to a condition that the Grantee, or its successors, shall initiate a project to place the property into productive use within 5 years from the date of conveyance. Should the Grantee fail to initiate a project to return the property to productive use within 5 years, the property shall immediately revert to and revest in the Grantor. The provisions of this covenant shall be deemed satisfied upon the Grantee completing all of the following:

(1) Obtaining Grantor's approval of its proposed land development plan.

(2) Obtaining nonappealable approval of its proposed land development plan by all applicable governmental bodies.

(3) Executing a construction contract or contracts in accordance with the approved land development plan.

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

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

(h) Alternate disposition.--In the event that this conveyance is not executed within 12 months of the effective date of this section, the property may be disposed of in accordance with section 2406-A of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929. Section 2. Effective date.

This act shall take effect immediately.