

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 701 Session of 2019

INTRODUCED BY BROWNE, JUNE 3, 2019

AS REPORTED FROM COMMITTEE ON STATE GOVERNMENT, HOUSE OF REPRESENTATIVES, AS AMENDED, JUNE 19, 2019

AN ACT

1 Authorizing and directing the Department of General Services,
2 with the approval of the Governor, to grant and convey
3 certain lands and improvements situate in the City of
4 Allentown and the City of Bethlehem, Lehigh County, through a
5 competitive solicitation process; and making a related
6 repeal.

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

9 Section 1. Conveyances in City of Allentown and City of
10 Bethlehem.

11 (a) Authorization.--The Department of General Services, with
12 the approval of the Governor, is authorized and directed on
13 behalf of the Commonwealth of Pennsylvania to grant and convey
14 the following tracts of land together with any improvements
15 thereon, known as the former Allentown State Hospital, situate
16 in the City of Allentown and City of Bethlehem, Lehigh County,
17 through a competitive solicitation for proposal process to
18 evaluate and select a buyer based upon best value and return on
19 investment POST-DEMOLITION, which, in addition to price, may <--

1 include the proposed use of the property POST-DEMOLITION, job
 2 creation, return to the property tax rolls and other criteria
 3 specified in the solicitation documents. A competitive
 4 solicitation committee shall be established to review proposals
 5 and recommend a buyer. The competitive solicitation committee
 6 shall be comprised of the Secretary of General Services or their
 7 designee, the member of the Senate in whose district the
 8 majority of the property is located or their designee, the
 9 member of the House of Representatives in whose district the
 10 majority of the property is located or their designee and an
 11 official representative of the municipality in which the
 12 majority of the property is located or its designee.

13 (b) Property description.--The property to be conveyed under
 14 subsection (a) consists of approximately 195.167 acres of land
 15 and improvements located thereon, bounded and more particularly
 16 described as follows:

17 LOT #1

18 ALL THAT CERTAIN LOT OR PIECE OF GROUND situate in the City
 19 of Allentown and City of Bethlehem, Lehigh County, bounded and
 20 described as follows, to wit:

21 BEGINNING at a concrete monument found on the South side of
 22 Hanover Avenue said point being at the Northeast Corner of the
 23 lands of N/F 1514 Inc., thence FROM THE PLACE OF BEGINNING along
 24 the South line of Hanover Avenue the following courses and
 25 distances:

- 26 1. S 55°31'17" E for a distance of 511.16' to a point,
- 27 thence
- 28 2. Along a curve to the Right having a Delta Angle of
- 29 5°45'00", a radius of 957.11' for an arc length of 96.05' to a
- 30 point, thence

1 3. N 61°16'18" E for a distance of 5.96' to a point, thence
2 4. Along a curve to the Left having a Delta Angle of
3 5°47'00", a radius of 1034.11' for an arc length of 104.38' to a
4 point, thence

5 5. N 55°29'17" E for a distance of 45.13' to the Northwest
6 corner of Hanover Avenue and North Quebec Street; thence along
7 the West line North Quebec Street S 7°57'43" E for a distance of
8 553.45' to a point at the Southwest corner of North Quebec
9 Street and East Allen Street; thence along the South line of
10 East Allen Street N 81°23'17" E for a distance of 678.83' to an
11 iron pin set at the Northwest corner of Lot #2;

12 Thence along Lot #2 the following course and distances:

13 1. S 27°11'30" E for a distance of 1032.47' to an iron pin
14 set; thence

15 2. S 55°10'20" W for a distance of 243.03' to an iron pin
16 set; thence

17 3. S 34°49'40" E for a distance of 160.00' to an iron pin
18 set; thence

19 4. N 54°56'04" E for a distance of 603.06' to an iron pin
20 set; thence

21 5. N 43°48'06" E for a distance of 727.05' to an iron pin
22 set; thence

23 6. N 72°56'55" E for a distance of 285.07' to an iron pin
24 set; thence

25 7. N 76°19'04" E for a distance of 378.08' to an iron pin
26 set on the City of Allentown and the City of Bethlehem line;
27 thence

28 8. Along the City of Allentown and the City of Bethlehem
29 line N 6°55'39" W for a distance of 413.29' to an iron pin set;
30 thence along the lands of N/F Bruce Loch and James Burkos, N/F

1 A-town Development Company, and N/F Raymond Perez , N 82°59'59"
2 E for a distance of 396.87' to a point; thence along the lands
3 of N/F Raymond Perez, the South line of Grandview Boulevard, and
4 N/F Geraldine P. Holzinger N 81°45'17" E for a distance of
5 396.71' to a concrete monument found; thence along the lands of
6 PA Lines LCC S 8°31'43" E for a distance of 469.16' to a point
7 on the North line of Central Boulevard;

8 Thence along the North line of Central Boulevard the
9 following courses and distances:

10 1. Along a curve to the Right having a Delta Angle of
11 30°53'14", a radius of 798.97' for an arc length of 430.71' to a
12 point, thence

13 2. S 75°44'07" W for a distance of 205.24' to a point,
14 thence

15 3. S 66°28'27" W for a distance of 232.14' to a point,

16 Thence along the North line of River Drive the following
17 courses and distances:

18 1. S 69°08'28" W for a distance of 282.83' to a point;
19 thence

20 2. S 54°30'17" W for a distance of 507.39' to a point;
21 thence

22 3. S 50°28'17" W for a distance of 411.58' to a point;
23 thence

24 4. S 56°43'17" W for a distance of 384.03' to a point;
25 thence

26 5. Along a curve to the Left having a Delta Angle of
27 39°02'00", a radius of 256.69' for an arc length of 174.87' to a
28 point, thence

29 6. S 17°41'17" W for a distance of 83.85' to a point; thence

30 7. Along a curve to the Right having a Delta Angle of

1 8°00'03", a radius of 346.78' for an arc length of 48.47' to a
2 point,

3 Thence along the lands of N/F Norfolk Southern the following
4 courses and distances:

5 1. S 39°24'36" W for a distance of 139.28' to a concrete
6 monument found; thence

7 2. S 49°14'43" E for a distance of 6.14' to a point on the
8 North line of River Drive;

9 Thence along the North line of River Drive the following
10 courses and distances:

11 1. S 44°33'17" W for a distance of 159.40' to a point;
12 thence

13 2. Along a curve to the Left having a Delta Angle of
14 14°07'00", a radius of 541.84' for an arc length of 133.50' to a
15 point, thence

16 3. S 30°26'17" W for a distance of 799.21' to a point;
17 thence

18 4. Along a curve to the Right having a Delta Angle of
19 18°38'50", a radius of 891.50' for an arc length of 290.14' to a
20 point, thence

21 5. S 49°05'07" W for a distance of 392.66' to a point;
22 thence

23 6. Along a curve to the Right having a Delta Angle of
24 8°09'10", a radius of 536.50' for an arc length of 76.34' to a
25 point, thence

26 7. S 57°14'17" W for a distance of 332.83' to a point;
27 thence

28 8. Along a curve to the Right having a Delta Angle of
29 10°36'40", a radius of 663.50' for an arc length of 122.88' to a
30 point, thence

1 9. S 46°37'37" W for a distance of 729.66' to a point;

2 thence

3 10. Along a curve to the Right having a Delta Angle of
4 8°41'30", a radius of 536.50' for an arc length of 81.39' to a
5 point, thence

6 11. S 55°19'07" W for a distance of 126.31' to a point at
7 the Southeast limit of unopened South Maxwell Street; thence
8 along East line of unopened South Maxwell Street N 7°40'54" W
9 for a distance of 1981.82' to a concrete monument found;

10 Thence along the lands of N/F the Community Services for
11 Children the following courses and distances:

12 1. N 77°27'55" E for a distance of 343.59' to a point;
13 thence

14 2. N 82°36'13" E for a distance of 264.92' to a point;
15 thence

16 3. N 7°34'12" W for a distance of 48.78' to a point; thence

17 4. N 10°07'23" E for a distance of 18.41' to a point; thence

18 5. N 33°51'14" E for a distance of 77.17' to a point; thence

19 6. N 6°18'35" W for a distance of 41.34' to a point; thence

20 7. S 83°24'45" W for a distance of 56.39' to a point; thence

21 8. N 6°18'23" W for a distance of 35.42' to a point; thence

22 9. N 83°44'46" E for a distance of 56.41' to an iron pipe
23 found; thence

24 10. N 6°16'03" W for a distance of 223.32' to a point;
25 thence

26 11. S 83°06'05" W for a distance of 6.70' to a point; thence

27 12. N 7°22'55" W for a distance of 78.48' to an iron pipe
28 found; thence

29 13. S 76°24'27" W for a distance of 46.07' to a point;
30 thence

1 14. N 13°36'19" W for a distance of 35.10' to an iron pipe
2 found; thence

3 15. N 76°12'08" E for a distance of 49.86' to an iron pipe
4 found; thence

5 16. N 7°25'05" W for a distance of 258.86' to an iron pipe
6 found; thence

7 17. S 83°23'26" W for a distance of 257.59' to a point;

8 Thence along the lands of N/F Baldeu Raj SharmaTrust, the
9 East limit of East Pine Street and N/F Richard C. Birch Sr. N
10 1°54'54" W for a distance of 250.32' to a concrete monument
11 found on the South line of East Gordon Street; thence along the
12 South line of East Gordon street N 82°02'47" E for a distance of
13 319.05' to an iron pipe found at the Southeast corner of East
14 Gordon North Oswego Streets; thence along the East line of North
15 Oswego Street N 6°39'00" W for a distance of 8.01' to a point;
16 thence along the lands of Kelly Brookhart and Mark MacNemara N
17 81°51'17" E for a distance of 229.30' to a concrete monument
18 found; thence along the lands of N/F Tina Rivera, N/F Karl &
19 Ruth Schuster, N/F Dee Ann Diaz, N/F Timothy Koppenhaver, N/F
20 David & Ruth Koppenhaver, N/F Eugene & Constance Fritz, N/F
21 Miriam Estrella, N/F David & Helen Galbraith, N/F Gary & Kay
22 Matsco, N/F Charles & Jacqueline Scherer, N/F Sharon Peters, N/F
23 Jeremy Ingle, and the East Limit of East Clair Street N 8°17'43"
24 W for a distance of 733.25' to a point, thence along the East
25 line of 1514 Inc. N 34°22'50" W for a distance of 152.66' to the
26 place of BEGINNING.

27 CONTAINING 165.846-Acres.

28 BEING shown as Lot #1 on the Final Minor Subdivision Plan of
29 the Allentown State Hospital prepared by the City of Allentown
30 Department of Public Works, Drawing #06-005, dated July 20,

1 2007, last revised March 25, 2009.

2 LOT #2

3 ALL THAT CERTAIN LOT OR PIECE OF GROUND situate in the City
4 of Allentown, Lehigh County, bounded and described as follows,
5 to wit:

6 BEGINNING at an iron pin set on the south line of East Allen
7 Street, said point being located North 81° 23' 17" East for a
8 distance of 678.83 feet from the Southwest corner of North
9 Quebec Street and the said point of BEGINNING being the
10 Northwest corner of this described parcel; thence from the place
11 of BEGINNING along the South line of East Allen Street and the
12 South Line of Oil Process Systems North 81° 23' 17" East for a
13 distance of 531.03 feet to a concrete monument found; thence
14 along the lands of Bruce Loch and James Burkos the following
15 nine (9) courses and distances;

16 (1) South 43° 13' 28" East - 11.42 feet to a concrete
17 monument found; thence

18 (2) South 80° 16' 15" West - 54.97 feet to an iron pin
19 found; thence

20 (3) South 7° 57' 07" West - 61.34 feet to a concrete
21 monument found; thence

22 (4) South 61° 19' 56" East - 163.09 feet to a concrete
23 monument found; thence

24 (5) North 68° 57' 39" East - 177.92 feet to a concrete
25 monument found; thence

26 (6) North 58° 25' 17" East - 238.88 feet to a concrete
27 monument found; thence

28 (7) North 23° 18' 43" West - 36.00 feet to a concrete
29 monument found; thence

30 (8) North 82° 58' 20" East - 987.96 feet to a concrete

1 monument found; thence

2 (9) North 82° 59' 59" East - 1.43 feet to a point; thence
3 along Lot #1, the residue lands of the Commonwealth of

4 Pennsylvania the following eight (8) courses and distances;

5 (1) South 6° 55' 39" East - 413.29 feet to a iron pin set;
6 thence

7 (2) South 76° 19' 04" West - 378.08 feet to a iron pin set;
8 thence

9 (3) South 72° 56' 55" West - 285.07 feet to a iron pin set;
10 thence

11 (4) South 43° 48' 06" West - 727.05 feet to a iron pin;
12 thence

13 (5) South 54° 56' 04" West - 603.06 feet to a iron pin;
14 thence

15 (6) North 34° 49' 40" West - 160.00 feet to a iron pin set;
16 thence

17 (7) North 55° 10' 20" East - 243.03 feet to a iron pin set;
18 thence

19 (8) North 27° 11' 30" West - 1032.47 feet to the place of
20 BEGINNING.

21 CONTAINING 29.321-Acres.

22 BEING shown as Lot #2 on the Final Minor Subdivision Plan of
23 the Allentown State Hospital prepared by the City of Allentown
24 Department of Public Works, Drawing #06-005, dated July 20,
25 2007, last revised March 25, 2009.

26 (c) Condition precedent to property disposition.--Prior to
27 the competitive solicitation process under subsection (a) and
28 notwithstanding any other provision of law, the Department of
29 General Services is authorized and directed to demolish all
30 buildings and structures located on the property, with the

1 exception of a Commonwealth-owned air monitoring station,
2 utilizing funds appropriated in section 3(7)(ii)(A) of the act
3 of October 30, 2017 (P.L.831, No.52), known as the Capital
4 Budget Project Itemization Act of 2017-2018. The Department of
5 General Services shall use the competitive sealed proposal
6 method of procurement authorized by 62 Pa.C.S. § 513 (relating
7 to competitive sealed proposals) to enter into a design/build
8 contract to undertake the demolition of the buildings and
9 structures.

10 (d) Preemption of local ordinances.--The demolition of the
11 buildings and structures on the property and additional work
12 ancillary to the demolition of the buildings and structures on
13 the property by the Department of General Services are
14 authorized notwithstanding zoning ordinances, land use
15 ordinances, building codes or other regulations adopted or
16 enacted by a political subdivision under the authority of any
17 statute or under the authority of a charter or home rule charter
18 authorized and adopted under any statute or the Constitution of
19 Pennsylvania.

20 (e) Requirement for conveyance.--The conveyance shall be
21 made under and subject to all lawful and enforceable easements,
22 servitudes and rights of others, including, but not confined to,
23 streets, roadways and rights of any telephone, telegraph, water,
24 electric, gas or pipeline companies, as well as under and
25 subject to any lawful and enforceable estates or tenancies
26 vested in third persons appearing of record, for any portion of
27 the land or improvements erected thereon.

28 (f) Gaming restriction.--A conveyance authorized under this
29 section shall be made under and subject to the condition, which
30 shall be contained in the deed of conveyance, that no portion of

1 the property conveyed shall be used as a licensed facility, as
2 defined in 4 Pa.C.S. § 1103 (relating to definitions), or any
3 other similar type of facility authorized under State law. The
4 condition shall be a covenant running with the land and shall be
5 binding upon the grantee, its successors or assigns. Should the
6 grantee, its successors or assigns permit any portion of the
7 property authorized to be conveyed in this act to be used in
8 violation of this subsection, the title shall immediately revert
9 to and revest in the grantor.

10 (g) Covenants, conditions and restrictions.--The Secretary
11 of General Services may impose covenants, conditions,
12 restrictions or reservations on the sale of the property as is
13 deemed in the best interests of the Commonwealth.

14 (h) Easements.--The Secretary of General Services may grant
15 or retain any easements necessary to effectuate this section.

16 (i) Deed.--The conveyance shall be by special warranty deed
17 that shall be executed by the Secretary of General Services in
18 the name of the Commonwealth of Pennsylvania.

19 (j) Proceeds.--All proceeds from the sale of the property
20 shall be deposited into the General Fund.

21 Section 2. Repeal.

22 Repeals are as follows:

23 (1) The General Assembly declares that the repeal under
24 paragraph (2) is necessary to effectuate section 1.

25 (2) Section 1 of the act of December 22, 2017 (P.L.1268,
26 No.82) entitled "An act authorizing and directing the
27 Department of General Services, with the approval of the
28 Governor, to grant and convey to TCA Properties, L.P.,
29 certain lands and improvements situate in the City of
30 Allentown and the City of Bethlehem, Lehigh County; and

1 authorizing the Department of General Services, with the
2 approval of the Department of Military and Veterans Affairs
3 and the Governor, to grant and convey, at a price to be
4 determined through a competitive bid process, certain lands,
5 buildings and improvements situate in the Borough of Kane,
6 McKean County," is repealed.

7 Section 3. Effective date.

8 This act shall take effect immediately.