

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1570 Session of
1990

INTRODUCED BY MUSTO AND LEMMOND, APRIL 20, 1990

REFERRED TO STATE GOVERNMENT, APRIL 20, 1990

AN ACT

1 Amending the act of December 22, 1988 (P.L.1915, No.193),
2 entitled "An act authorizing and directing the Department of
3 General Services, with the approval of the Governor and the
4 Department of Agriculture, to convey and confirm two tracts
5 of land located in Penn Township, Snyder County,
6 Pennsylvania, to Randall W. Bailey and Ellen S. Bailey, his
7 wife, and Rick L. Bailey and Kathy A. Bailey, his wife;
8 authorizing and directing the Department of General Services,
9 with the approval of the Governor, to convey a tract of land
10 located in Logan Township, Blair County, Pennsylvania, to
11 Joseph A. Grappone, H. Zane Helsel and Augusto N. Delerme, as
12 tenants in common; and authorizing and directing the
13 Department of General Services, with the approval of the
14 Governor, to convey to the Greater Wilkes-Barre Industrial
15 Fund a tract of land situate in Plains Township, Luzerne
16 County, Pennsylvania," further providing for the conveyance
17 of real estate to the Greater Wilkes-Barre Industrial Fund.

18 The General Assembly of the Commonwealth of Pennsylvania

19 hereby enacts as follows:

20 Section 1. Section 3(a), (d) and (f) of the act of December
21 22, 1988 (P.L.1915, No.193), entitled "An act authorizing and
22 directing the Department of General Services, with the approval
23 of the Governor and the Department of Agriculture, to convey and
24 confirm two tracts of land located in Penn Township, Snyder
25 County, Pennsylvania, to Randall W. Bailey and Ellen S. Bailey,

1 his wife, and Rick L. Bailey and Kathy A. Bailey, his wife;
2 authorizing and directing the Department of General Services,
3 with the approval of the Governor, to convey a tract of land
4 located in Logan Township, Blair County, Pennsylvania, to Joseph
5 A. Grappone, H. Zane Helsel and Augusto N. Delerme, as tenants
6 in common; and authorizing and directing the Department of
7 General Services, with the approval of the Governor, to convey
8 to the Greater Wilkes-Barre Industrial Fund a tract of land
9 situate in Plains Township, Luzerne County, Pennsylvania," are
10 amended to read:

11 Section 3. (a) The Department of General Services, with the
12 approval of the Governor, is hereby authorized and directed, on
13 behalf of the Commonwealth of Pennsylvania, to grant and convey
14 to the Greater Wilkes-Barre Industrial Fund, its successors or
15 assigns, upon the release of any option or right of repurchase
16 purportedly held by Pennsylvania Gas and Water (PG&W) pursuant
17 to an agreement entered into May 1, 1969, between Pennsylvania
18 Gas and Water and the Wilkes-Barre Industrial Fund, which option
19 or right is disputed by the Commonwealth, for a consideration of
20 fair market value in the amount of [\$2,000,000] \$10,000 per
21 acre, the following tract of land situate in Plains Township,
22 Luzerne County, Pennsylvania, bounded and described as follows:

23 Beginning at a point in the northerly right-of-way line of
24 State Highway, Legislative Route No.169 (Traffic Route No.115),
25 leading easterly from Wilkes-Barre to Bear Creek, and in the
26 southeasterly line of lands heretofore conveyed by the Hudson
27 Coal Company to Michael Litchey and Tessie Litchey, his wife, by
28 deed dated May 24, 1949, and recorded in Luzerne County Deed
29 Book 1039, at Page 302;

30 Thence from said beginning point and along the southeasterly

1 side line of said lands, now or formerly, of Michael Litchey, et
2 ux, north 29 degrees 00 minutes east 434.00 feet, more or less,
3 to the most northeasterly corner of said lands, said point being
4 also in the division line between Certified Lots Numbers 15 and
5 16 in the Third Division of Certified Wilkes-Barre (now Plains)
6 Township;

7 Thence from said point and along the northeasterly or rear
8 line of said lands, now or formerly of Michael Litchey, et ux,
9 the same being along the division line between Certified Lots
10 Numbers 15 and 16 in said Third Division, north 61 degrees 00
11 minutes west 580.00 feet, more or less, to the southeasterly
12 line of the Second Parcel described in deed dated January 25,
13 1909, from the Hudson Coal Company to the Spring Brook Water
14 Supply Company, recorded in Luzerne County Deed Book 452, at
15 Page 438;

16 Thence from said point and along the southeasterly and
17 easterly side line of the First Parcel described in said above-
18 mentioned deed, north 05 degrees 30 minutes east 40.00 feet,
19 more or less, to an angle point in said line; and thence north
20 29 degrees 50 minutes west 145.00 feet, more or less, to a
21 point;

22 Thence from said point and through lands of the Grantor
23 herein, by a line passing through Certified Lots Numbers 15, 14,
24 13 and partly through Lot Number 12 in said Third Division,
25 north 29 degrees 00 minutes east 1,700.00 feet, more or less, to
26 a point in the southerly line of the Seventh Parcel described in
27 deed dated January 25, 1909, from the Northern Coal and Iron
28 Company to the Spring Brook Water Supply Company, recorded in
29 Luzerne County Deed Book 452, at Page 434;

30 Thence from said point and along the southerly line of said

1 Seventh Parcel of land, and also along the southerly line of the
2 Sixth Parcel of land described in said deed, in a northeasterly
3 direction 1,110.00 feet, more or less, to a point in the
4 division line between Certified Lots Numbers 10 and 11 in said
5 Third Division;

6 Thence from said point and passing through Certified Lot
7 Number 10 in said Third Division, along the southerly side line
8 of a 60-foot-wide strip of land centered on the present bed of
9 what is known as the "Hill Creek and Laurel Run Canal" of the
10 Pennsylvania Gas & Water Company about 710.00 feet, more or
11 less, in a northeasterly direction to a point in the division
12 line between Certified Lots Numbers 9 and 10 in said Third
13 Division, said point being also in the southwesterly line of
14 lands described in deed dated February 21, 1913, from Martha B.
15 Phelps, et al, to the Spring Brook Water Supply Company,
16 recorded in Luzerne County Deed Book 490, at Page 222;

17 Thence from said point and along said division line between
18 Certified Lots Numbers 9 and 10 in said Third Division, being
19 also along the southwesterly line of said lands of the Spring
20 Brook Water Supply Company, south 61 degrees 00 minutes east
21 2,070.00 feet, more or less, to a point in the westerly line of
22 lands, now or formerly, of the Spring Brook Water Supply
23 Company;

24 Thence from said point and along the line of said lands, the
25 same passing through said Certified Lot Number 10, south 14
26 degrees 15 minutes west 546.00 feet, more or less, to a point in
27 the division line between said Certified Lots Numbers 10 and 11,
28 said point being also the most northwesterly corner of the
29 Second Parcel of land described in deed dated January 25, 1909,
30 from the Northern Coal and Iron Company to the Spring Brook

1 Water Supply Company, recorded in Luzerne County Deed Book 452,
2 at Page 434;

3 Thence from said point and along the westerly line of said
4 Second Parcel of land, and also along the westerly line of the
5 Third Parcel described in said deed, the same passing through
6 Certified Lots Numbers 11 and 12, south 14 degrees 15 minutes
7 west 1,200.00 feet, more or less, to a point in the division
8 line between Certified Lots Numbers 12 and 13, said point being
9 also the most northerly corner of land described in deed dated
10 November 30, 1951, from the Hudson Coal Company to Scranton-
11 Spring Brook Water Service Company, recorded in Luzerne County
12 Deed Book 1140, at Page 219;

13 Thence from said point and in the extension southerly of the
14 aforesaid westerly line of the Second and Third Parcel of land
15 above mentioned, and passing through Certified Lot Number 13,
16 south 14 degrees 15 minutes west about 580.00 feet to a corner
17 in the division line between Certified Lots Numbers 13 and 14 in
18 said Third Division, said corner being also in the northeasterly
19 line of the First Parcel described in deed dated June 6, 1911,
20 from Anna M. Oliver, et al, to Spring Brook Water Supply
21 Company, recorded in Luzerne County Deed Book 475, at Page 489;

22 Thence from said point and along the line of said lands, the
23 same being also along the division line between Certified Lots
24 Numbers 13 and 14, north 60 degrees 40 minutes west 2,080.00
25 feet, more or less, to a point, said point being the most
26 northeasterly corner of Parcel Number 5 described in deed from
27 the Pennsylvania Gas & Water Company to The Greater Wilkes-Barre
28 Industrial Fund, Inc., about to be recorded in the Office of the
29 Recorder of Deeds for Luzerne County;

30 Thence from said point and along the easterly line of said

1 Parcel Number 5, and also along the easterly line of Parcel
2 Number 6 of said conveyance, the same passing through Certified
3 Lots Numbers 14, 15 and 16, south 29 degrees 00 minutes west
4 1,560.00 feet, more or less, to a point in the aforesaid
5 northerly right-of-way line of State Highway, Legislative Route
6 No.169, said point being more particularly fixed as being the
7 point formed by the intersection of said Highway northerly
8 right-of-way line with the division line between Certified Lots
9 Numbers 16 and 17;

10 Thence from said point and along the northerly right-of-way
11 line of said Highway, by a curve to the left in a northwesterly
12 direction for an arc distance of 1,200.00 feet, more or less, to
13 a point, the place of beginning.

14 Containing 200.00 acres of land, be the same more or less,
15 and being parts of Certified Lots Numbers 10, 11, 12, 13, 14, 15
16 and 16 in the Third Division of Certified Wilkes-Barre (now
17 Plains) Township.

18 Being part of three conveyances of land into The Greater
19 Wilkes-Barre Industrial Fund, Inc., as follows:

20 The first by deed from Blue Coal Corporation dated May 1,
21 1969, and recorded in Luzerne County Deed Book 1666, at Page
22 1045; the second by deed from the Pennsylvania Gas & Water
23 Company; and the third by deed from the Pennsylvania Power &
24 Light Company.

25 Excepting and reserving coal and other minerals as the same
26 are excepted and reserved in the prior chain of title.

27 * * *

28 (d) The Wilkes-Barre Industrial Fund shall, within [60] 90
29 days of the effective date of this act, pay to the Commonwealth
30 of Pennsylvania, Department of General Services, the sum of

1 \$500,000. This nonrefundable deposit shall be credited toward
2 the purchase price of the property, if sold in a single
3 transaction, or the purchase prices of any parcels sold in
4 separate transactions.

5 * * *

6 (f) The deed or deeds of conveyance shall contain the
7 following clauses:

8 (1) That coal and other minerals are excepted and
9 reserved as the same are excepted and reserved in the prior
10 chain of title.

11 (2) [That the property conveyed shall be used for light
12 industrial, office and governmental purposes and if, at any
13 time, the Wilkes-Barre Industrial Fund or a successor in
14 title fails to use the property for the purposes contained in
15 this section, the title shall immediately revert to and
16 revert in the Commonwealth without any requirement of reentry
17 or demand by the Commonwealth. Subsequent deeds between the
18 Wilkes-Barre Industrial Fund and purchasers shall require the
19 approval of the Board of Commissioners of Plains Township,
20 Luzerne County.] A covenant running with the land providing
21 that the property conveyed shall be used only for light
22 industrial, research and development, health related, office
23 and governmental purposes, enforceable by action of the
24 Commonwealth.

25 * * *

26 Section 2. This act shall take effect immediately.