

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2762 Session of 2004

INTRODUCED BY STABACK, JUNE 28, 2004

AS AMENDED ON THIRD CONSIDERATION, IN SENATE, SEPTEMBER 28, 2004

AN ACT

1 Authorizing and directing the Department of General Services,
2 with the approval of the Governor and the Department of
3 Conservation and Natural Resources, to convey to Anthony R.
4 Domiano, Sr., and Anthony R. Domiano, Jr., a certain tract of
5 land situate in the Borough of Archbald, Lackawanna County,
6 in exchange for certain tracts of land; AND AUTHORIZING THE
7 SALE AND TRANSFER OF OWNERSHIP OF PROJECT 70 LAND LOCATED IN
8 WHARTON TOWNSHIP, FAYETTE COUNTY.

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

11 Section 1. Conveyances in Borough of Archbald, Lackawanna
12 County.

13 (a) Conveyance from the Commonwealth.--The Department of
14 General Services, with the approval of the Governor and the
15 Department of Conservation and Natural Resources, is hereby
16 authorized and directed on behalf of the Commonwealth of
17 Pennsylvania to grant and convey to Anthony R. Domiano, Sr., and
18 Anthony R. Domiano, Jr., the following tract of land bounded and
19 described as follows:

1 All that certain, piece, or plot of land situate, lying, and  
2 being in the Borough of Archbald, County of Lackawanna and  
3 Commonwealth of Pennsylvania, more fully described as follows:  
4 Beginning at a point on the line of lands now or formerly of  
5 Maursam & Co., said point being the Southerly corner of the  
6 lands of the Commonwealth of Pennsylvania and the Westerly  
7 corner of lands herein described;  
8 thence, along the line of lands of Anthony R. Domiano, Sr., and  
9 along the line of other lands of Domiano, North fifteen degree  
10 forty-eight minutes fifteen seconds East (N 15 degrees 48  
11 minutes 15 seconds E) a distance of four hundred twenty feet  
12 (420 feet);  
13 thence, through lands of the Commonwealth of Pennsylvania South  
14 seventy-four degrees eleven minutes forty-five seconds East (S  
15 74 degrees 11 minutes 45 seconds E) a distance of two hundred  
16 thirty-eight and seventy-two hundredths feet (238.72 feet);  
17 thence, continue through lands of the Commonwealth of  
18 Pennsylvania South five degrees eleven minutes six seconds East  
19 (S 5 degrees 11 minutes 6 seconds E) a distance of one hundred  
20 ninety-eight and ninety-three hundredths feet (198.93 feet);  
21 thence, continue through lands of the Commonwealth of  
22 Pennsylvania South forty-eight degrees forty-two minutes twenty-  
23 three seconds East (S 48 degrees 42 minutes 23 seconds E) a  
24 distance of five hundred sixty and eighty-nine hundredths feet  
25 (560.89 feet) to a point being located along the common division  
26 line between the lands now or formerly of the Commonwealth of  
27 Pennsylvania and Maursam & Co.;  
28 thence, along said division line, North seventy-three degrees  
29 forty-one minutes forty-nine seconds West (N 73 degrees 41  
30 minutes 49 seconds W) a distance of eight hundred sixteen and

1 thirty hundredths feet (816.30 feet) to the point of beginning.  
2 Containing 183,978.18 square feet (4.22 Acres) of land, more or  
3 less.  
4 Being a portion of that land conveyed by the Commonwealth of  
5 Pennsylvania to the General State Authority (Department of  
6 General Services) by deed dated September 24, 1962, and recorded  
7 in the Office of the Recorder of Deeds of Lackawanna County,  
8 Pennsylvania, in Deed Book 577 at Page 577.

9 (b) Conveyance to Commonwealth.--The conveyance authorized  
10 by subsection (a) shall be in exchange for the conveyance by  
11 Anthony R. Domiano, Sr., and Anthony R. Domiano, Jr., to the  
12 Commonwealth of Pennsylvania of all those certain tracts of land  
13 bounded and described as follows:

14 Tract No. 1:

15 All that certain, piece, or plot of land situate, lying, and  
16 being in the Borough of Archbald, County of Lackawanna and  
17 Commonwealth of Pennsylvania, more fully described as follows:  
18 Beginning at a point marked with an iron pin, said point being  
19 located along the common division line between Anthony R.  
20 Domiano, Sr. and the Commonwealth of Pennsylvania a distance of  
21 one thousand sixty-nine and sixty-four hundredths feet  
22 Northwesterly from the right-of-way of Pennsylvania SR No.1023  
23 (Eynon-Jermyn Road);  
24 thence, along said Domiano/Commonwealth of Pennsylvania division  
25 line, North seventy-three degrees forty-one minutes forty-nine  
26 seconds West (N 73 degrees 41 minutes 49 seconds W) a distance  
27 of two thousand three hundred and ninety feet (2,390 feet);  
28 thence, at a right angle to said Domiano/Commonwealth of  
29 Pennsylvania division line, North sixteen degrees eighteen  
30 minutes eleven seconds East (N 16 degrees 18 minutes 11 seconds

1 E) a distance of seventy feet (70 feet);  
2 thence, at a right angle, parallel to said Domiano/Commonwealth  
3 of Pennsylvania division line, South seventy-three degrees  
4 forty-one minutes forty-nine seconds East (S 73 degrees 41  
5 minutes 49 seconds E) a distance of two thousand three hundred  
6 and ninety feet (2,390 feet);  
7 thence, at a right angle, South sixteen degrees eighteen minutes  
8 eleven seconds West (S 16 degrees 18 minutes 11 seconds W) a  
9 distance of seventy feet (70 feet) to the point of beginning.  
10 Containing 167,300 square feet (3.04 Acres) of land, more or  
11 less.

12 Being a portion of that land conveyed by Allied Ventures, Inc.  
13 to Anthony R. Domiano, Sr. and Anthony R. Domiano, Jr. by deed  
14 dated February 10, 1997, and recorded in the Office of the  
15 Recorder of Deeds of Lackawanna County, Pennsylvania, in Deed  
16 Book 1576 at Page 65.

17 Tract No. 2:

18 All that certain, piece, or plot of land situate, lying, and  
19 being in the Borough of Archbald, County of Lackawanna and  
20 Commonwealth of Pennsylvania, more fully described as follows:  
21 Beginning at a point marked with an iron pin, said point being  
22 located South seventy-four degrees twenty minutes East (S 74  
23 degrees 20 minutes E) a distance of one hundred fifty two and  
24 thirty-seven hundredths feet (152.37 feet) from the  
25 Southwesterly corner of lands of the Commonwealth of  
26 Pennsylvania along a one hundred feet (100 feet) right-of-way of  
27 Pennsylvania SR No. 6006 (Scranton-Carbondale Highway);  
28 thence, along Commonwealth of Pennsylvania lands North fifteen  
29 degrees forty-eight minutes fifteen seconds East (N 15 degrees  
30 48 minutes 15 seconds E) three hundred fourteen and sixty-three

1 hundredths feet (314.63 feet) to a point marked with an iron  
2 pin;  
3 thence, continue by same, South forty-three degrees eleven  
4 minutes fifty seconds East (S 43 degrees 11 minutes 50 seconds  
5 E) fifty-eight and thirty-three hundredths feet (58.33 feet) to  
6 a point marked with an iron pin;  
7 thence, continue by same, South fifteen degrees forty-eight  
8 minutes fifteen seconds West (S 15 degrees 48 minutes 15 W)  
9 three hundred seventeen and eighty-two hundredths feet (317.82  
10 feet) to a common corner of lands now or formerly of Romar,  
11 Inc., at the line of aforementioned Commonwealth of Pennsylvania  
12 lands;  
13 thence, along said Romar lands, North seventy-four degrees  
14 eleven minutes forty-five seconds West (N 74 degrees 11 minutes  
15 45 seconds W) fifty feet (50 feet) to a point at the line of  
16 lands now or formerly of Romar, Inc. ;  
17 thence North fifteen degrees forty-eight minutes fifteen seconds  
18 East (N 15 degrees 48 minutes 15 seconds E) a distance of  
19 thirty-three and twenty-three hundredths feet (33.23 feet) to  
20 the point of beginning.  
21 Containing 16,641.79 square feet (.38 Acres) of land, more or  
22 less.  
23 Being a portion of that land conveyed by Allied Ventures, Inc.  
24 to Anthony R. Domiano, Sr. and Anthony R. Domiano, Jr. by deed  
25 dated February 10, 1997, and recorded in the Office of the  
26 Recorder of Deeds of Lackawanna County, Pennsylvania, in Deed  
27 Book 1576 at Page 65.

28 (c) Conditions.--Conveyance of the land described in  
29 subsection (a) shall be made under and subject to all easements,  
30 servitudes and rights of others, including, but not confined to,

1 streets, roadways and rights of telephone, telegraph, water,  
2 electric or tenancies vested in third persons, whether or not  
3 appearing of record, for any portion of the land or improvements  
4 erected thereon.

5 (d) Deed of conveyance.--The deed of conveyance of the  
6 property described in subsection (a) shall be approved as  
7 provided by law and shall be executed by the Secretary of  
8 General Services in the name of the Commonwealth of  
9 Pennsylvania.

10 (e) Costs.--The parties to the transaction shall bear their  
11 respective costs.

12 SECTION 2. WHARTON TOWNSHIP, FAYETTE COUNTY. ←

13 (A) AUTHORIZATION.--PURSUANT TO THE REQUIREMENTS OF SECTION  
14 20(B) OF THE ACT OF JUNE 22, 1964 (SP.SESS., P.L.131, NO.8),  
15 KNOWN AS THE PROJECT 70 LAND ACQUISITION AND BORROWING ACT, THE  
16 GENERAL ASSEMBLY HEREBY AUTHORIZES THE SALE AND TRANSFER OF  
17 TITLE FOR THE PROJECT 70 LANDS OWNED BY FAYETTE COUNTY WHICH ARE  
18 MORE PARTICULARLY DESCRIBED IN SUBSECTION (C) FOR A  
19 CONSIDERATION OF \$190,500, WHICH SUM REPRESENTS THE FAIR MARKET  
20 VALUE OF THE PROPERTY AS DETERMINED BY AN APPRAISAL.

21 (B) PROJECT 70 RESTRICTIONS.--THE LANDS DESCRIBED IN  
22 SUBSECTION (C) SHALL BE TRANSFERRED WITH ALL EXISTING  
23 RESTRICTIONS CURRENTLY IMPOSED BY THE PROJECT 70 LAND  
24 ACQUISITION AND BORROWING ACT UPON CONVEYANCE OF SAID LANDS TO  
25 WOODLANDS ZOO, INC.

26 (C) PROPERTY DESCRIPTION.--THE PARCELS OF LAND TO BE SOLD  
27 WITH EXISTING PROJECT 70 RESTRICTIONS ARE SITUATED IN WHARTON  
28 TOWNSHIP, FAYETTE COUNTY, PENNSYLVANIA, AND MORE PARTICULARLY  
29 BOUNDED AND DESCRIBED AS FOLLOWS:

30 TRACT ONE: BEGINNING AT A POINT ON THE CENTER LINE OF ROUTE 40

1 KNOWN AS THE NATIONAL HIGHWAY, AT A CORNER OF LAND OWNED BY  
2 ESTELLA A. CRAIG; THENCE ALONG CRAIG LAND, SOUTH 57 DEGREES 16  
3 MINUTES 50 SECONDS WEST, 303.50 FEET TO A POINT; THENCE ALONG  
4 SAME SOUTH 13 DEGREES 6 MINUTES 50 SECONDS WEST, 310.95 FEET TO  
5 A POINT; THENCE ALONG SAME SOUTH 9 DEGREES 43 MINUTES 30 SECONDS  
6 EAST, 316.60 FEET TO A POINT CORNER OF LAND OF ALVIN R. SOWERS;  
7 THENCE ALONG SOWERS LAND SOUTH 45 DEGREES 15 MINUTES 30 SECONDS  
8 WEST, 1826.41 FEET TO A POINT; THENCE BY SAME SOUTH 63 DEGREES  
9 58 MINUTES 50 SECONDS WEST, 952.24 FEET TO A POINT; THENCE BY  
10 SAME SOUTH 39 DEGREES 5 MINUTES 40 SECONDS WEST, 276.49 FEET TO  
11 A POINT THENCE BY SAME SOUTH 59 DEGREES 50 MINUTES 10 SECONDS  
12 WEST, 71.05 FEET TO A POINT; THENCE BY SAME SOUTH 67 DEGREES 44  
13 MINUTES 10 SECONDS WEST, 141.29 FEET TO A POINT; THENCE BY SAME  
14 SOUTH 71 DEGREES 29 MINUTES 50 SECONDS WEST, 216.90 FEET TO A  
15 POINT; THENCE BY SAME SOUTH 4 DEGREES 26 MINUTES 50 SECONDS  
16 WEST, 829.39 FEET TO A POINT CORNER OF FORT NECESSITY PARK;  
17 THENCE BY SAME SOUTH 54 DEGREES 22 MINUTES WEST, 192.29 FEET TO  
18 A POINT IN LINE OF LAND OF KATHERINE ZIMMERLI; THENCE BY SAID  
19 LINE NORTH 18 DEGREES 58 MINUTES 20 SECONDS WEST, 1319.38 FEET  
20 TO A POINT; THENCE BY SAME NORTH 8 DEGREES 45 MINUTES EAST, 1089  
21 FEET TO A POINT; THENCE BY SAME NORTH 66 DEGREES 45 MINUTES  
22 EAST, 1359.61 FEET TO A POINT; THENCE BY SAME NORTH 21 DEGREES  
23 30 MINUTES EAST, 1155 FEET TO LINE OF LANDS OF C.H. SHERRY;  
24 THENCE BY SHERRY LAND SOUTH 69 DEGREES 5 MINUTES 20 SECONDS  
25 EAST, 1283.20 FEET TO A POINT IN LINE OF LAND OF ASA O. STIMMEL;  
26 THENCE BY STIMMEL NORTH 52 DEGREES 55 MINUTES 40 SECONDS EAST,  
27 682.14 FEET TO POINT IN AFORESAID NATIONAL HIGHWAY: THENCE IN  
28 SAID HIGHWAY SOUTH 34 DEGREES 55 MINUTES 20 SECONDS EAST, 115  
29 FEET TO A POINT, THE PLACE OF BEGINNING.  
30 CONTAINING 122.8175 ACRES.

1 EXCEPTING AND RESERVING THEREFROM A PARCEL OF LAND CONTAINING  
2 6.1 ACRES WHICH WAS CONDEMNED BY THE COMMONWEALTH OF  
3 PENNSYLVANIA BY DECLARATION OF TAKING DATED OCTOBER 17, 1977,  
4 FILED IN THE COURT OF COMMON PLEAS OF FAYETTE COUNTY,  
5 PENNSYLVANIA, AT NO. 523 SEPTEMBER TERM, 1977 (SUBSEQUENTLY  
6 CONVEYED BY THE COMMONWEALTH TO THE COUNTY OF FAYETTE BY DEED  
7 DATED MARCH 20, 2001, AS RECORDED IN THE OFFICE OF THE RECORDER  
8 OF DEEDS OF FAYETTE COUNTY, PENNSYLVANIA, IN RECORD BOOK 2724,  
9 PAGE 191).

10 BEING THE REMAINDER OF THE TRACT OF LAND CONVEYED TO THE  
11 COUNTY OF FAYETTE BY DEED OF EARL G. HAGER, SR. AND IDA M.  
12 HAGER, HIS WIFE, DATED APRIL 21, 1967, AND RECORDED IN THE  
13 RECORDER'S OFFICE OF FAYETTE COUNTY, PENNSYLVANIA, IN DEED BOOK  
14 1041, PAGE 017.

15 TRACT TWO: BEGINNING AT A POINT IN THE CENTER OF U.S. ROUTE 40  
16 AT CORNER COMMON TO PREMISES OF THE COUNTY OF FAYETTE, FORMERLY  
17 EARL G. HAGER AND PREMISES OF ASA O. STIMMEL, ET UX., OF WHICH  
18 THE PREMISES HEREIN DESCRIBED IS PART; THENCE SOUTH 52 DEGREES  
19 55 MINUTES 40 SECONDS WEST 682.14 FEET ALONG SAID PREMISES OF  
20 THE COUNTY OF FAYETTE, FORMERLY OF HAGER, TO A POINT; THENCE  
21 NORTH 69 DEGREES 5 MINUTES 20 SECONDS WEST 294.67 FEET ALONG  
22 SAME TO A POINT; THENCE NORTH 52 DEGREES 55 MINUTES 40 SECONDS  
23 EAST 797.71 FEET THROUGH PREMISES OF ASA O. STIMMEL, ET UX., OF  
24 WHICH THE PREMISES HEREIN DESCRIBED IS A PART TO A POINT; THENCE  
25 NORTH 30 DEGREES 34 MINUTES 38 SECONDS WEST 65.83 FEET THROUGH  
26 SAME TO A POINT; THENCE NORTH 9 DEGREES 16 MINUTES 44 SECONDS  
27 WEST 27.72 FEET THROUGH SAME TO A POINT; THENCE NORTH 52 DEGREES  
28 55 MINUTES 40 SECONDS EAST 33.02 FEET THROUGH SAME TO THE CENTER  
29 OF THE AFORESAID STATE HIGHWAY ROUTE 40; THENCE SOUTH 34 DEGREES  
30 55 MINUTES 20 SECONDS EAST 340 FEET ALONG THE AFORESAID STATE



1 HIGHWAY ROUTE 40 TO THE PLACE OF BEGINNING, CONTAINING AN AREA  
2 OF 4.4122 ACRES. A PLOT OF THIS PARCEL IS OF RECORD IN FAYETTE  
3 COUNTY PLAN BOOK 11, PAGE 19.

4 BEING THE SAME TRACT OF LAND CONVEYED TO THE COUNTY OF  
5 FAYETTE BY DEED OF ASA O. STIMMEL AND LELIA H. STIMMEL, HIS  
6 WIFE, DATED MARCH 28, 1972, AND RECORDED IN THE RECORDER'S  
7 OFFICE OF FAYETTE COUNTY, PENNSYLVANIA, IN DEED BOOK VOLUME  
8 1124, PAGE 1064.

9 (D) EXISTING RESTRICTIONS.--THE FOLLOWING RESTRICTIONS SHALL  
10 REMAIN IN THE DEEDS FOR THE LAND DESCRIBED IN SUBSECTION (C):

11 "THIS INDENTURE IS GIVEN TO PROVIDE LAND FOR RECREATION,  
12 CONSERVATION AND HISTORICAL PURPOSES, AS SAID PURPOSES ARE  
13 DEFINED IN THE 'PROJECT 70 LAND ACQUISITION AND BORROWING ACT,'  
14 APPROVED JUNE 22, 1964, P.L.131."

15 (E) FUNDS.--THE \$190,500 CONSIDERATION FROM THE SALE OF THE  
16 LAND SHALL BE DEPOSITED IN A SPECIAL ACCOUNT ESTABLISHED BY  
17 FAYETTE COUNTY FOR ACQUISITION OR DEVELOPMENT OF PARKLAND. USE  
18 OF FUNDS FROM THE SPECIAL ACCOUNT MUST BE APPROVED IN ACCORDANCE  
19 WITH A PLAN APPROVED BY THE DEPARTMENT OF CONSERVATION AND  
20 NATURAL RESOURCES. ANY FUNDS REMAINING IN THE SPECIAL ACCOUNT  
21 AFTER FIVE YEARS OF THE EFFECTIVE DATE OF THIS ACT SHALL BE PAID  
22 TO THE COMMONWEALTH FOR DEPOSIT INTO THE PROJECT 70 LAND  
23 ACQUISITION SINKING FUND.

24 Section ~~2~~ 3. This act shall take effect immediately.

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