

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1745 Session of
2005

INTRODUCED BY FAIRCHILD, ADOLPH, ALLEN, ARGALL, ARMSTRONG,
BAKER, BELFANTI, BIRMELIN, BOYD, BUNT, CAPPELLI, CIVERA,
CLYMER, DENLINGER, EACHUS, ELLIS, FEESE, FICHTER, FLEAGLE,
FLICK, FORCIER, GEIST, GINGRICH, GODSHALL, HABAY, HARHART,
HARRIS, HERSHEY, HESS, HICKERNELL, HUTCHINSON, KILLION, LEH,
MAITLAND, MAJOR, MARSICO, MCGILL, MICOZZIE, MILLARD, MUSTIO,
PERZEL, PICKETT, PYLE, RAYMOND, REED, ROHRER, ROSS, SATHER,
SCHRODER, SEMMEL, S. H. SMITH, SONNEY, STERN, R. STEVENSON,
T. STEVENSON, E. Z. TAYLOR, J. TAYLOR, TRUE, TURZAI, WILT AND
ZUG, JUNE 14, 2005

AS REPORTED FROM COMMITTEE ON STATE GOVERNMENT, HOUSE OF
REPRESENTATIVES, AS AMENDED, JUNE 22, 2005

AN ACT

1 Authorizing and directing the Department of General Services,
2 with the approval of the Governor, to convey tracts of land
3 and buildings, consisting of a portion of the former
4 Laurelton Center, located in Hartley Township, Union County,
5 Pennsylvania; AND MAKING A RELATED REPEAL. <—

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

8 ~~Section 1. The Department of General Services, with the~~ <—

9 SECTION 1. CONVEYANCE IN HARTLEY TOWNSHIP, UNION COUNTY. <—

10 (A) AUTHORIZATION.--THE DEPARTMENT OF GENERAL SERVICES, WITH
11 THE approval of the Governor, is hereby authorized and directed,
12 on behalf of the Commonwealth of Pennsylvania, to grant and
13 convey the ~~following described tracts of land~~ TRACTS OF LAND <—
14 DESCRIBED IN SUBSECTION (B) and the improvements erected thereon
15 to Mountain Valley, Inc., a Maryland Corporation, for

1 consideration equal to fair market value, as determined by an
2 independent appraisal.

3 (B) DESCRIPTION.--All those certain tracts or parcels of <—
4 land, with improvements thereon erected, situate in Hartley
5 Township, Union County, Pennsylvania, more particularly bounded
6 and described as follows:

7 ~~TRACT 1~~ <—

8 ~~Beginning at an existing steel pin and stones located on or~~
9 ~~near the northern right of way of S.R. 0045 and on the~~
10 ~~jurisdictional division line between lands of the Commonwealth~~
11 ~~of Pennsylvania, Bureau of Forestry and lands of the~~
12 ~~Commonwealth of Pennsylvania, Department of Public Welfare.~~

13 ~~Thence along lands of the Commonwealth of Pennsylvania,~~
14 ~~Bureau of Forestry by the 4 following courses and distances:~~

15 ~~1. North 22 degrees 29 minutes 55 seconds East, 3685.15~~
16 ~~feet, to an existing witnessed stone pile;~~

17 ~~2. North 74 degrees 47 minutes 54 seconds East, 831.53 feet,~~
18 ~~to an existing witnessed stone pile;~~

19 ~~3. South 75 degrees 02 minutes 58 seconds East, 143.22 feet,~~
20 ~~to a point east of Stony Run Road;~~

21 ~~4. South 25 degrees 32 minutes 58 seconds East, 1472.86~~
22 ~~feet, to an existing witnessed stone pile east of Stony Run~~
23 ~~Road;~~

24 ~~5. Thence along lands of William G. Rodgers and lands of W.~~
25 ~~James Beamesderfer and Craig A. Beamesderfer and crossing Stony~~
26 ~~Run Road South 75 degrees 56 minutes 43 seconds West, 221.73~~
27 ~~feet, to an existing stone pile;~~

28 ~~6. Thence along lands W. James Beamesderfer and Craig A.~~
29 ~~Beamesderfer and lands of Eileen R. Wiand and Lisa L. Mattern;~~
30 ~~South 20 degrees 40 minutes 20 seconds East, 1491.80 feet, to an~~

1 ~~existing witnessed stone pile;~~

2 ~~7. Thence along lands of Eileen R. Wiand and Lisa L.~~

3 ~~Mattern, North 65 degrees 52 minutes 26 seconds, East, 319.07~~

4 ~~feet, to a point in the center of Stony Run Road;~~

5 ~~Thence along the center of Stony Run Road and lands of the~~

6 ~~Commonwealth of Pennsylvania, Bureau of Forestry, by the 8~~

7 ~~following courses and distances;~~

8 ~~1. South 33 degrees 57 minutes 45 seconds East, 570.05 feet,~~

9 ~~to point in the center of Stony Run Road;~~

10 ~~2. South 33 degrees 07 minutes 08 seconds East, 653.60 feet,~~

11 ~~to point in the center of Stony Run Road;~~

12 ~~3. South 30 degrees 01 minute 39 seconds East, 122.79 feet,~~

13 ~~to point in the center of Stony Run Road;~~

14 ~~4. South 21 degrees 25 minutes 18 seconds East, 74.09 feet,~~

15 ~~to point in the center of Stony Run Road;~~

16 ~~5. South 07 degrees 41 minutes 59 seconds East, 91.09 feet,~~

17 ~~to point in the center of Stony Run Road;~~

18 ~~6. South 04 degrees 55 minutes 47 seconds West, 109.33 feet,~~

19 ~~to point in the center of Stony Run Road;~~

20 ~~7. South 09 degrees 10 minutes 51 seconds West, 414.31 feet,~~

21 ~~to point in the center of Stony Run Road;~~

22 ~~8. South 09 degrees 14 minutes 46 seconds West, 603.60 feet,~~

23 ~~to point on the northern right of way of S.R. 0045~~

24 ~~Thence along the northern right of way S.R. 0045 by the 13~~

25 ~~following courses and distances;~~

26 ~~1. North 70 degrees 20 minutes 12 seconds West, 263.53 feet,~~

27 ~~to a point;~~

28 ~~2. North 19 degrees 39 minutes 48 seconds East, 5.00 feet,~~

29 ~~to a point;~~

30 ~~3. North 70 degrees 20 minutes 12 seconds West, 150.00 feet,~~

1 ~~to a point;~~
2 ~~4. South 19 degrees 39 minutes 48 seconds West, 5.0 feet, to~~
3 ~~a point;~~
4 ~~5. North 70 degrees 20 minutes 12 seconds West, 250.29 feet,~~
5 ~~to a point;~~
6 ~~6. North 71 degrees 27 minutes 12 seconds West, 359.32 feet,~~
7 ~~to a point;~~
8 ~~7. North 70 degrees 18 minutes 12 seconds West, 700.74 feet,~~
9 ~~to a point;~~
10 ~~8. North 70 degrees 42 minutes 12 seconds West, 1288.90~~
11 ~~feet, to a point;~~
12 ~~9. North 19 degrees 17 minutes 48 seconds East, 5.00 feet,~~
13 ~~to a point;~~
14 ~~10. North 70 degrees 42 minutes 12 seconds West, 1145.04~~
15 ~~feet, to a point;~~
16 ~~11. By a curve to the left having a radius of 3854.70 feet~~
17 ~~an arc length of 5.01 feet and a central angle of 0 degrees 04~~
18 ~~minutes 28 seconds, and a chord of North 70 degrees 44 minutes~~
19 ~~26 seconds West, 5.01 inches;~~
20 ~~12. South 19 degrees 13 minutes 20 seconds West, 5.00 feet,~~
21 ~~to a point;~~
22 ~~13. By a curve to the right having a radius of 3849.70 feet~~
23 ~~an arc length of 277.72 inches and a central angle of 4 degrees~~
24 ~~08 minutes 00 seconds, and a chord of North 72 degrees 50~~
25 ~~minutes 40 seconds West, 277.66 feet, to an existing steel pin~~
26 ~~and stones the point and place of beginning;~~
27 ~~Tract 1 containing 266.428 acres as above described.~~

28 ~~TRACT 2~~
29 ~~Beginning at an existing steel pin located approximately 2850~~
30 ~~feet East of the intersection of S.R. 0045 and S.R. 0235 and~~

1 ~~being on or near the southern right of way line of S.R. 0045 and~~
2 ~~on the division line between lands of the Commonwealth of~~
3 ~~Pennsylvania and lands of Arlon E. Wallace and Crystal A.~~
4 ~~Heeter.~~

5 ~~1. Thence along lands of Arlon E. Wallace and Crystal A.~~
6 ~~Heeter and lands of Bradley F. Walter and Angelia Walter South~~
7 ~~08 degrees 15 minutes 05 seconds West, 1253.61 feet, to an~~
8 ~~existing twin oak tree;~~

9 ~~2. Thence along lands of Raymond Hoover and Wilma Hoover,~~
10 ~~North 79 degrees 40 minutes 38 seconds West, 859.47 feet, to an~~
11 ~~existing steel pin;~~

12 ~~3. Thence along lands of Richard J. Harvey and Janet L.~~
13 ~~Harvey and lands of Montana L. Schlegel and Janice M. Schlegel~~
14 ~~North 18 degrees 33 minutes 56 seconds West, 840.74 feet, to an~~
15 ~~existing steel pin;~~

16 ~~4. Thence along lands of Montana L. Schlegel and Janice M.~~
17 ~~Schlegel South 72 degrees 46 minutes 49 seconds West, 762.09~~
18 ~~feet, to a point on the eastern right of way of S.R. 0235.~~
19 ~~Thence along the eastern right of way of S.R. 0235 by the four~~
20 ~~following courses and distances;~~

21 ~~1. North 26 degrees 19 minutes 18 seconds West, 731.70 feet,~~
22 ~~to a point;~~

23 ~~2. By a curve to the right having a radius of 2844.79 feet,~~
24 ~~an arc length of 354.94 feet, and a central angle of 7 degrees~~
25 ~~08 minutes 55 seconds, and a chord of North 22 degrees 44~~
26 ~~minutes 50 seconds West, 354.71 feet to a point;~~

27 ~~3. North 19 degrees 10 minutes 23 seconds West, 478.05 feet~~
28 ~~to a point;~~

29 ~~4. By a curve to the right having a radius of 35 feet, an~~
30 ~~arc length of 78.70 feet, and a central angle of 128 degrees 50~~

~~1 minutes 11 seconds, and a chord of North 45 degrees 14 minutes
2 43 seconds East, 63.14 feet to a point on the southern right of
3 way of S.R. 0045;~~

~~4 Thence along the southern right of way of S.R. 0045 by the three
5 following courses and distances;~~

~~6 1. South 70 degrees 20 minutes 12 seconds East, 1020.05
7 feet, to a point;~~

~~8 2. South 69 degrees 40 minutes 12 seconds East, 1556.28
9 feet, to a point;~~

~~10 3. By a curve to the right having a radius of 1318.45 feet,
11 an arc length of 192.46 feet, and a central angle of 8 degrees
12 21 minutes 49 seconds, and a chord of South 65 degrees 29
13 minutes 18 seconds East, 192.28 feet to an existing steel pin,
14 the point and place of beginning.~~

~~15 Tract 2 containing 64.428 acres as above described.~~

~~16 TRACT 3~~

~~17 Beginning at an existing steel pin located approximately 1180
18 feet West of the intersection of S.R. 0045 and S.R. 0235 and
19 being on or near the southern right of way of S.R. 0045 and on
20 the jurisdictional division line between lands of the
21 Commonwealth of Pennsylvania, Department of Conservation and
22 Natural Resources and lands of the Commonwealth of Pennsylvania,
23 Department of Public Welfare.~~

~~24 Thence along lands of the Commonwealth of Pennsylvania,
25 Department of Conservation and Natural Resources by the 12
26 courses and distances;~~

~~27 1. South 19 degrees 12 minutes 21 seconds West, 198.88 feet
28 to an existing steel pin;~~

~~29 2. South 67 degrees 09 minutes 50 seconds East, 127.12 feet
30 to a point;~~

1 TRACT 2

2 ALL THAT CERTAIN PARCEL OF LAND SHOWN AS RESIDUAL LANDS OF
3 THE COMMONWEALTH OF PENNSYLVANIA ON AN ADDITION LOT SUBDIVISION
4 PREPARED BY LARSON DESIGN GROUP, DATED NOVEMBER 9, 1997, AND
5 RECORDED IN THE UNION COUNTY RECORDER OF DEEDS OFFICE IN PLAT
6 BOOK 19, PAGE 54.

7 CONTAINING 5.993-ACRES.

8 TRACT 3

9 ALL THAT CERTAIN PARCEL OF LAND SHOWN AS EXISTING PARCEL NO.
10 2 ON AN ADDITION LOT SUBDIVISION PREPARED BY LARSON DESIGN
11 GROUP, DATED NOVEMBER 9, 1997, AND RECORDED IN THE UNION COUNTY
12 RECORDER OF DEEDS OFFICE IN PLAT BOOK 19, PAGE 54.

13 CONTAINING 64.428-ACRES.

14 ~~Section 2.~~ (C) EASEMENTS.--The conveyance shall be made <—
15 under and subject to all easements, servitudes and rights of
16 others, including, but not confined to, streets, roadways and
17 rights of any telephone, telegraph, water, electric, sewer, gas
18 or pipeline companies, as well as under the subject to any
19 interest, estates or tenancies vested in third persons, whether
20 or not appearing of record, for any portion of the land or
21 improvements erected thereon.

22 ~~Section 3. No portion of the property shall be used for <—~~
23 ~~gaming or gambling activities. Should the grantee, its~~
24 ~~successors or assigns, utilize the property for gaming or~~
25 ~~gambling or for any other purpose not permitted under this~~
26 ~~paragraph, the property conveyed herein shall immediately revert~~
27 ~~to and re-vest in the grantor.~~

28 (D) GENERAL LAND USE RESTRICTION.--THE CONVEYANCE SHALL BE <—
29 UNDER AND SUBJECT TO THE CONDITION, WHICH SHALL BE CONTAINED IN
30 THE DEED, THAT NO PORTION OF THE PROPERTY BEING CONVEYED SHALL

1 BE USED AS A LICENSED FACILITY, AS THAT TERM IS DEFINED IN 4
2 PA.C.S. § 1103 (RELATING TO DEFINITIONS) OR FOR ANY OTHER
3 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 AND ASSIGNS. IF A
6 GRANTEE, ITS SUCCESSORS OR ASSIGNS PERMIT THE PROPERTY
7 AUTHORIZED TO BE CONVEYED IN THIS SECTION, OR ANY PORTION OF THE
8 PROPERTY, TO BE USED IN VIOLATION OF THIS SUBSECTION, THE TITLE
9 SHALL IMMEDIATELY REVERT TO AND REVEST IN THE GRANTOR.

10 (E) AGRICULTURAL RESTRICTION.--THAT PORTION OF THE LAND AS
11 DESCRIBED IN TRACT 3 OF SUBSECTION (B) THAT IS CURRENTLY SUBJECT
12 TO THE PROVISIONS OF THE ACT OF JUNE 18, 1982 (P.L.549, NO.159),
13 ENTITLED, "AN ACT PROVIDING FOR THE ADMINISTRATION OF CERTAIN
14 COMMONWEALTH FARMLAND WITHIN THE DEPARTMENT OF AGRICULTURE,"
15 SHALL CONTINUE TO BE SUBJECT TO THE RESTRICTIONS PROVIDED FOR IN
16 THAT ACT AND A RESTRICTIVE COVENANT LIMITING THE USES OF THE
17 PROPERTY TO AGRICULTURAL AND OPEN SPACE USES SHALL BE PLACED IN
18 THE DEED.

19 ~~Section 4.~~ The (F) PROCEEDS.-- <—

20 (1) EXCEPT AS PROVIDED IN PARAGRAPH (2), THE proceeds of
21 the conveyance shall be paid into the State Treasury and
22 deposited in the General Fund.

23 (2) THE PORTION OF THE PROCEEDS OF THE CONVEYANCE <—
24 ATTRIBUTED TO THE PROPERTY DESCRIBED IN TRACT 3 OF SUBSECTION
25 (B), WHICH PORTION SHALL BE DETERMINED BY AN INDEPENDENT
26 APPRAISAL, SHALL BE DEPOSITED INTO THE AGRICULTURAL
27 CONSERVATION EASEMENT PURCHASE FUND.

28 ~~Section 5.~~ (G) APPROVAL.--The deed of conveyance shall be <—
29 approved as provided by law and shall be executed by the
30 Secretary of General Services in the name of the Commonwealth of

1 Pennsylvania.

2 ~~Section 6.~~ (H) COSTS.--Costs and fees incidental to the <—
3 conveyance shall be borne by the grantee.

4 (I) ALTERNATE DISPOSAL.--IN THE EVENT THAT THE CONVEYANCE <—
5 UNDER THIS SECTION IS NOT EXECUTED WITHIN ONE YEAR OF THE
6 EFFECTIVE DATE OF THIS SECTION, THE PROPERTY MAY BE DISPOSED OF
7 IN ACCORDANCE WITH SECTION 2406-A OF THE ACT OF APRIL 9, 1929
8 (P.L.177, NO.175), KNOWN AS THE ADMINISTRATIVE CODE OF 1929.

9 SECTION 2. SECTION 2 OF THE ACT OF DECEMBER 19, 1997
10 (P.L.623, NO.66), ENTITLED "AN ACT AUTHORIZING AND DIRECTING THE
11 DEPARTMENT OF GENERAL SERVICES, WITH THE APPROVAL OF THE
12 GOVERNOR, TO GRANT AND CONVEY TO THE CITY OF MCKEESPORT A TRACT
13 OF LAND SITUATE IN THE SEVENTH WARD, CITY OF MCKEESPORT,
14 ALLEGHENY COUNTY, AND TO SELL AND CONVEY TO SMITHFIELD TOWNSHIP
15 CERTAIN LAND SITUATE IN THE TOWNSHIP OF SMITHFIELD, HUNTINGDON
16 COUNTY; AND AUTHORIZING AND DIRECTING THE DEPARTMENT OF GENERAL
17 SERVICES, WITH THE APPROVAL OF THE GOVERNOR, TO CONVEY TRACTS OF
18 LAND AND BUILDINGS, CONSISTING OF A PORTION OF THE FORMER
19 LAURELTON CENTER, LOCATED IN HARTLEY TOWNSHIP, UNION COUNTY,
20 PENNSYLVANIA," IS REPEALED.

21 Section 7 3. This act shall take effect immediately. <—