

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 AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
JUNE 29, 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; AUTHORIZING THE DEPARTMENT OF GENERAL SERVICES, <—
6 WITH THE APPROVAL OF THE GOVERNOR, TO GRANT AND CONVEY
7 CERTAIN LANDS SITUATE IN THE CITY OF HARRISBURG, DAUPHIN
8 COUNTY, TO CROSSGATES, INC., A PENNSYLVANIA CORPORATION; and
9 making a related repeal.

10 The General Assembly of the Commonwealth of Pennsylvania

11 hereby enacts as follows:

12 Section 1. Conveyance in Hartley Township, Union County.

13 (a) Authorization.--The Department of General Services, with
14 the approval of the Governor, is hereby authorized and directed,
15 on behalf of the Commonwealth of Pennsylvania, to grant and
16 convey the tracts of land described in subsection (b) and the
17 improvements erected thereon to Mountain Valley, Inc., a

1 Maryland Corporation, for consideration equal to fair market
2 value, as determined by an 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 ALL THAT CERTAIN parcel of land shown as Existing Parcel No.
9 1 on an addition lot subdivision prepared by Larson Design Group
10 dated November 9, 1997 and recorded in the Union County Recorder
11 of Deeds Office in Plat Book 19, Page 54.

12 CONTAINING 266.429-acres.

13 TRACT 2

14 ALL THAT CERTAIN parcel of land shown as Residual Lands of
15 the Commonwealth of Pennsylvania on an addition lot subdivision
16 prepared by Larson Design Group, dated November 9, 1997, and
17 recorded in the Union County Recorder of Deeds Office in Plat
18 Book 19, Page 54.

19 CONTAINING 5.993-acres.

20 TRACT 3

21 ALL THAT CERTAIN parcel of land shown as Existing Parcel No.
22 2 on an addition lot subdivision prepared by Larson Design
23 Group, dated November 9, 1997, and recorded in the Union County
24 Recorder of Deeds Office in Plat Book 19, Page 54.

25 CONTAINING 64.428-acres.

26 (c) Easements.--The conveyance shall be made under and
27 subject to all easements, servitudes and rights of others,
28 including, but not confined to, streets, roadways and rights of
29 any telephone, telegraph, water, electric, sewer, gas or
30 pipeline companies, as well as under the subject to any

1 interest, estates or tenancies vested in third persons, whether
2 or not appearing of record, for any portion of the land or
3 improvements erected thereon.

4 (d) General land use restriction.--The conveyance shall be
5 under and subject to the condition, which shall be contained in
6 the deed, that no portion of the property being conveyed shall
7 be used as a licensed facility, as that term is defined in 4
8 Pa.C.S. § 1103 (relating to definitions) or for any other
9 similar type of facility authorized under State law. The
10 condition shall be a covenant running with the land and shall be
11 binding upon the grantee, its successors and assigns. If a
12 grantee, its successors or assigns permit the property
13 authorized to be conveyed in this section, or any portion of the
14 property, to be used in violation of this subsection, the title
15 shall immediately revert to and revest in the grantor.

16 (e) Agricultural restriction.--That portion of the land as
17 described in Tract 3 of subsection (b) that is currently subject
18 to the provisions of the act of June 18, 1982 (P.L.549, No.159),
19 entitled, "An act providing for the administration of certain
20 Commonwealth farmland within the Department of Agriculture,"
21 shall continue to be subject to the restrictions provided for in
22 that act and a restrictive covenant limiting the uses of the
23 property to agricultural and open space uses shall be placed in
24 the deed.

25 (f) Proceeds.--

26 (1) Except as provided in paragraph (2), the proceeds of
27 the conveyance shall be paid into the State Treasury and
28 deposited in the General Fund.

29 (2) The portion of the proceeds of the conveyance
30 attributed to the property described in Tract 3 of subsection

(b), which portion shall be determined by an independent appraisal, shall be deposited into the Agricultural Conservation Easement Purchase Fund.

(g) Approval.--The deed of conveyance shall be approved as provided by law and shall be executed by the Secretary of General Services in the name of the Commonwealth of Pennsylvania.

(h) Costs.--Costs and fees incidental to the conveyance shall be borne by the grantee.

(i) Alternate disposal.--In the event that the conveyance under this section is not executed within one year 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. Section 2 of the act of December 19, 1997~~

SECTION 2. CITY OF HARRISBURG.

(A) AUTHORIZATION.--THE DEPARTMENT OF GENERAL SERVICES, WITH THE APPROVAL OF THE GOVERNOR, IS HEREBY AUTHORIZED ON BEHALF OF THE COMMONWEALTH OF PENNSYLVANIA TO GRANT AND CONVEY THE FOLLOWING TRACT OF LAND, TOGETHER WITH ANY IMPROVEMENTS THEREON, SITUATE IN THE CITY OF HARRISBURG, DAUPHIN COUNTY, PENNSYLVANIA TO CROSSGATES, INC., A PENNSYLVANIA CORPORATION, IN ACCORDANCE WITH AND FOR THE CONSIDERATION ESTABLISHED IN AN AGREEMENT OF SALE WITH THE DEPARTMENT OF GENERAL SERVICES, DATED MARCH 23, 2005.

(B) DESCRIPTION.--THE PROPERTY TO BE CONVEYED PURSUANT TO THIS SECTION CONSISTS OF APPROXIMATELY 4.866-ACRES AND IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE SOUTHERLY LEGAL RIGHT-OF-WAY LINE OF WILDWOOD PARK DRIVE AND THE WESTERLY LEGAL RIGHT-

1 OF-WAY LINE OF CAMERON STREET; THENCE IN AND THROUGH LEGAL
2 RIGHT-OF-WAY OF CAMERON STREET, NORTH 87 DEGREES, 27 MINUTES, 37
3 SECONDS EAST, A DISTANCE OF 112.45 FEET TO A POINT IN THE LEGAL
4 RIGHT OF WAY OF CAMERON STREET; THENCE THROUGH THE LEGAL RIGHT-
5 OF-WAY OF CAMERON STREET, SOUTH 02 DEGREES, 32 MINUTES, 23
6 SECONDS EAST, A DISTANCE OF 437.25 FEET TO A POINT; THENCE
7 CROSSING THE WESTERLY LEGAL RIGHT-OF-WAY LINE OF CAMERON STREET
8 AND THROUGH LANDS OF THE COMMONWEALTH OF PENNSYLVANIA, STATE
9 FARM SHOW COMPLEX, SOUTH 87 DEGREES, 27 MINUTES, 37 SECONDS
10 WEST, A DISTANCE OF 477.96 FEET TO A POINT; THENCE THROUGH LANDS
11 OF THE COMMONWEALTH OF PENNSYLVANIA, STATE FARM SHOW COMPLEX,
12 NORTH 11 DEGREES, 50 MINUTES, 56 SECONDS WEST, A DISTANCE OF
13 260.19 FEET TO A POINT; THENCE CONTINUING THROUGH LANDS OF THE
14 COMMONWEALTH OF PENNSYLVANIA, STATE FARM SHOW COMPLEX, NORTH 02
15 DEGREES, 32 MINUTES, 23 SECONDS WEST, A DISTANCE OF 124.92 FEET
16 TO A POINT IN THE SOUTHERLY LEGAL RIGHT-OF-WAY LINE OF WILDWOOD
17 PARK DRIVE; THENCE ALONG THE SAID SOUTHERLY LEGAL RIGHT-OF-WAY
18 LINE OF WILDWOOD PARK DRIVE THE FOLLOWING FOUR COURSES:

19 1. NORTH 88 DEGREES, 22 MINUTES, 43 SECONDS EAST, A
20 DISTANCE OF 18.21 FEET TO A POINT;

21 2. NORTH 75 DEGREES, 27 MINUTES, 56 SECONDS EAST, A
22 DISTANCE OF 96.84 FEET TO A POINT;

23 3. NORTH 78 DEGREES, 57 MINUTES, 09 SECONDS EAST, A
24 DISTANCE OF 145.23 FEET TO A POINT; AND

25 4. NORTH 82 DEGREES, 04 MINUTES, 12 SECONDS EAST, A
26 DISTANCE OF 151.71 FEET TO THE POINT OF BEGINNING.

27 CONTAINING 4.866-ACRES OF LAND.

28 (C) ADJACENT EASEMENTS.--THE DEPARTMENT OF GENERAL SERVICES,
29 WITH THE APPROVAL OF THE GOVERNOR, IS HEREBY AUTHORIZED ON
30 BEHALF OF THE COMMONWEALTH OF PENNSYLVANIA TO GRANT AND CONVEY

1 PURSUANT TO AN AGREEMENT OF SALE REFERRED TO IN SUBSECTION (A)
2 TO CROSSGATES, INC., ANY EASEMENTS ON, ACROSS AND THROUGH LANDS
3 ADJOINING THE PROPERTY REFERENCED IN SUBSECTION (B) FOR
4 VEHICULAR AND PEDESTRIAN INGRESS, EGRESS AND REGRESS, AND
5 CONSTRUCTION AND MAINTENANCE OF SIGNAGE ALL FOR THE BENEFIT OF
6 THE PROPERTY DESCRIBED IN SUBSECTION (B).

7 (D) EASEMENTS.--THE CONVEYANCE SHALL BE MADE UNDER AND
8 SUBJECT TO ALL LAWFUL AND ENFORCEABLE EASEMENTS, SERVITUDES AND
9 RIGHTS OF OTHERS, INCLUDING, BUT NOT CONFINED TO STREETS,
10 ROADWAYS AND RIGHTS OF ANY TELEPHONE, TELEGRAPH, WATER,
11 ELECTRIC, GAS OR PIPELINE COMPANIES, AS WELL AS UNDER AND
12 SUBJECT TO ANY LAWFUL AND ENFORCEABLE ESTATES OR TENANCIES
13 VESTED IN THIRD PERSONS APPEARING OF RECORD, FOR ANY PORTION OF
14 THE LAND OR IMPROVEMENTS ERECTED THEREON.

15 (E) DEED.--THE DEED OF CONVEYANCE SHALL BE BY SPECIAL
16 WARRANTY DEED AND SHALL BE EXECUTED BY THE SECRETARY OF GENERAL
17 SERVICES IN THE NAME OF THE COMMONWEALTH OF PENNSYLVANIA. THE
18 DEED OF EASEMENT SHALL BE EXECUTED BY THE SECRETARY OF GENERAL
19 SERVICES IN THE NAME OF THE COMMONWEALTH OF PENNSYLVANIA.

20 (F) REVERSION.--THE DEED OF CONVEYANCE SHALL CONTAIN THE
21 FOLLOWING COVENANT:

22 "UNDER AND SUBJECT TO A CONDITION THAT THE GRANTEE, ITS
23 SUCCESSORS AND ASSIGNS, SHALL UTILIZE THE PROPERTY SOLELY
24 AS A HOTEL/MOTEL WITH AN ASSOCIATED FULL SERVICE
25 RESTAURANT AND CONFERENCE CENTER. NO PORTION OF THE
26 PROPERTY SHALL BE USED FOR GAMING OR GAMBLING ACTIVITIES.
27 SHOULD THE GRANTEE, ITS SUCCESSORS OR ASSIGNS, UTILIZE
28 THE PROPERTY FOR GAMING OR GAMBLING OR FOR ANY OTHER
29 PURPOSE NOT PERMITTED UNDER THIS PARAGRAPH, THE PROPERTY
30 CONVEYED HEREIN SHALL IMMEDIATELY REVERT TO AND REVEST IN

1 THE GRANTOR. "

2 (G) PROCEEDS OF SALE.--THE PROCEEDS FROM THE SALE OF THE
3 LAND SHALL BE DEPOSITED IN THE PURCHASING FUND OF THE DEPARTMENT
4 OF GENERAL SERVICES AND MAY BE UTILIZED BY THE DEPARTMENT OF
5 GENERAL SERVICES, WITH THE APPROVAL OF THE DEPARTMENT OF
6 AGRICULTURE, ONLY TO ACQUIRE AND IMPROVE REAL PROPERTY FOR THE
7 BENEFIT OF THE PENNSYLVANIA STATE FARM SHOW COMPLEX. IF ANY OR
8 ALL OF THE PROCEEDS ARE NOT UTILIZED FOR THIS PURPOSE WITHIN
9 THREE YEARS AFTER THEIR RECEIPT, THE REMAINING AMOUNT SHALL BE
10 TRANSFERRED TO THE FARM PRODUCTS SHOW FUND.

11 (H) COSTS.--COSTS AND FEES INCIDENTAL TO THIS CONVEYANCE
12 SHALL BE BORNE BY THE GRANTEE.

13 (I) EXPIRATION.--IN THE EVENT THE CONVEYANCE AUTHORIZED BY
14 SUBSECTION (B) IS NOT EXECUTED WITHIN 18 MONTHS OF THE EFFECTIVE
15 DATE OF THIS ACT, THE AUTHORIZATION CONTAINED HEREIN SHALL
16 EXPIRE.

17 SECTION 3. REPEALS ARE AS FOLLOWS:

18 (1) THE GENERAL ASSEMBLY DECLARES THAT THE REPEAL UNDER
19 PARAGRAPH (2) IS NECESSARY TO EFFECTUATE THE CONVEYANCE IN
20 HARTLEY TOWNSHIP, UNION COUNTY, PURSUANT TO SECTION 1.

21 (2) SECTION 2 OF THE ACT OF DECEMBER 19, 1997 (P.L.623,
22 No.66), entitled "An act authorizing and directing the
23 Department of General Services, with the approval of the
24 Governor, to grant and convey to the City of McKeesport a
25 tract of land situate in the Seventh Ward, City of
26 McKeesport, Allegheny County, and to sell and convey to
27 Smithfield Township certain land situate in the Township of
28 Smithfield, Huntingdon County; and authorizing and directing
29 the Department of General Services, with the approval of the
30 Governor, to convey tracts of land and buildings, consisting

1 of a portion of the former Laurelton Center, located in
2 Hartley Township, Union County, Pennsylvania," is repealed.
3 Section 3 4. This act shall take effect immediately. <—