

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL**No. 697** Session of
2005

INTRODUCED BY STOUT, MAY 23, 2005

AS AMENDED ON THIRD CONSIDERATION, JUNE 15, 2005

AN ACT

1 Authorizing and directing the Department of General Services,
2 with the approval of the Governor, to grant and convey to
3 Basalt Trap Rock Company, a Pennsylvania company, or its
4 assigns, certain lands, situate in Morgan and Franklin
5 Townships, Greene County, Pennsylvania.

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

8 Section 1. Conveyance in Morgan and Franklin Townships, Greene
9 County, Pennsylvania.

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 to Basalt Trap Rock Company, or their assigns, all that
14 certain land and improvements thereon, known as the Waynesburg
15 State Correctional Institution, described in subsection (b) for
16 \$990,000.

17 (b) Description.--The property to be conveyed pursuant to
18 subsection (a) consists of approximately 117 acres described as
19 follows:

1 Beginning at a White Oak corner to lands of Warren Jacobs and
2 Stephen Crayne Estate, thence by lands of Stephen Crayne Estate
3 and Joseph Harding, north 54 degrees 36 minutes east 2242.77
4 feet to a point; thence by lands of Joseph Harding north 54
5 degrees 36 minutes east 529.32 feet to a point; thence by lands
6 of Ed Burnfield, north 10 degrees 6 minutes west 86.55 feet to a
7 point, thence by lands of W. H. R. Hoge Estate, north 74 degrees
8 7 minutes 30 seconds east 232.75 feet to a point, thence by the
9 same, north 56 degrees 55 minutes 30 seconds east 921.33 feet to
10 a point; thence by lands of John B. Harry, south 8 degrees 39
11 minutes east 131.82 feet to a point, thence by same, north 64
12 degrees 30 minutes east 898.6 to a White Oak; thence by same
13 south 43 degrees 15 minutes east 1445.4 feet to a point; thence
14 by lands of Ben Jacobs, south 22 degrees 45 minutes east 561
15 feet to a point, thence along Ten Mile Creek, north 87 degrees
16 24 minutes west 1389.79 feet to a point, thence by same south 6
17 degrees 30 minutes west 346.5 feet to a point, thence by lands
18 of Noah Sproat, north 81 degrees 15 minutes west 874.5 feet to a
19 point, thence by same north 64 degrees 13 minutes west 582.5
20 feet to a point, thence by same south 84 degrees 37 minutes west
21 63.35 feet to a point, thence by same south 46 degrees 13
22 minutes west 19.15 feet to a point, thence by same south 46
23 degrees 13 minutes west 2272.67 feet to a point, thence by lands
24 of Warren Jacobs, north 53 degrees 55 minutes west 921.2 feet to
25 a White Oak, the place of Beginning.

26 Containing: 117.0577 acres, more or less, according to a
27 survey made June, 1960, by Fred L. Miller, Registered Surveyor.

28 Being the same lands conveyed to the Commonwealth of
29 Pennsylvania by deed of the General State Authority, dated June
30 16, 1989, and recorded in Greene County Deed Book 74, page 895.

1 (c) Easements.--The conveyance shall be made under and
2 subject to all lawful and enforceable easements, servitudes and
3 rights of others, including, but not confined to, streets,
4 roadways and rights of any telephone, telegraph, water,
5 electric, gas or pipeline companies, as well as any lawful and
6 enforceable estates or tenancies vested in third persons
7 appearing of record, for any portion of the land or improvements
8 erected thereon.

9 ~~(d) Condition prohibiting gaming or gambling. The~~ <—
10 ~~conveyance shall be under and subject to the condition, which~~
11 ~~shall be contained in the deed, that no portion of the property~~
12 ~~being conveyed shall be used for gaming or gambling and that~~
13 ~~such condition shall be a covenant running with the land and~~
14 ~~shall be binding upon the grantee, its successors and assigns.~~

15 (D) LAND USE RESTRICTION.--ANY CONVEYANCE AUTHORIZED UNDER <—
16 THIS ACT SHALL BE MADE UNDER AND SUBJECT TO THE CONDITION, WHICH
17 SHALL BE CONTAINED IN THE DEED OF CONVEYANCE, THAT NO PORTION OF
18 THE PROPERTY CONVEYED SHALL BE USED AS THE LOCATION FOR A
19 LICENSED GAMING ENTITY AUTHORIZED UNDER 4 PA.C.S. PT. II
20 (RELATING TO GAMING). THE CONDITION SHALL BE A COVENANT RUNNING
21 WITH THE LAND AND SHALL BE BINDING UPON THE GRANTEE, ITS
22 SUCCESSORS AND ASSIGNS. SHOULD ANY GRANTEE, ITS SUCCESSORS OR
23 ASSIGNS, PERMIT THE PARCEL CONVEYED IN THIS ACT, OR ANY PORTION
24 THEREOF, TO BE USED IN VIOLATION OF THIS SUBSECTION, THE TITLE
25 SHALL IMMEDIATELY REVERT TO AND REVEST IN THE GRANTOR.

26 (e) Execution.--The deed of conveyance shall be by Special
27 Warranty Deed and shall be executed by the Secretary of General
28 Services in the name of the Commonwealth of Pennsylvania.

29 (f) Costs and fees.--Costs and fees incidental to this
30 conveyance shall be borne by the grantee.

1 (g) Nonconveyance.--In the event that this conveyance is not
2 executed within six months of the effective date of this act,
3 the property may be disposed of in accordance with Article 2406-
4 A of the act of April 9, 1929 (P.L.177, No.175), known as The
5 Administrative Code of 1929.

6 Section 2. Effective date.

7 This act shall take effect immediately.