
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1237 Session of
2006

INTRODUCED BY MELLOW, JUNE 15, 2006

REFERRED TO STATE GOVERNMENT, JUNE 15, 2006

AN ACT

1 Authorizing the Department of General Services, with the
2 approval of the Governor, to grant and convey to the County
3 of Lackawanna Transit System Authority (COLTS), certain lands
4 situate in the City of Scranton, Lackawanna County, in
5 exchange for a certain tract of land from COLTS situate in
6 the City of Scranton, Lackawanna County.

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

9 Section 1. The Department of General Services, with the
10 approval of the Governor, is hereby authorized on behalf of the
11 Commonwealth of Pennsylvania to grant and convey to the County
12 of Lackawanna Transit System Authority (hereinafter COLTS)
13 certain lands situate in the City of Scranton, Lackawanna
14 County, in exchange for a certain tract of land from COLTS
15 situate in the City of Scranton, Lackawanna County.

16 Section 2. The property to be conveyed to COLTS pursuant to
17 section 1 consists of approximately 2.52 acres of land and
18 improvements thereon bounded and more particularly described as
19 follows:

LOT 1A

1
2 BEGINNING at a 3/4 inch iron pin, the intersection of the
3 southeasterly right-of-way line of Cliff Street with the
4 southwesterly right-of-way line of Lackawanna Avenue as shown on
5 a plan titled, "The Commonwealth of Pennsylvania - Department of
6 General Services - RD 1216 Pg 289 - Minor Subdivision" dated
7 July, 2005 and prepared by Acker Associates, Inc.;

8 Thence along said line of Lackawanna Avenue South 51 degrees 28
9 minutes 04 seconds East four hundred seventy-one and five
10 hundredths (471.05 feet) feet to a point in line of lands of
11 Scranton Mall Associates;

12 Thence along said lands South 38 degrees 37 minutes 01 second
13 West one hundred three and one hundredth (103.01 feet) feet to a
14 point in line of lands of Lackawanna County Rail Authority;

15 Thence along said lands of Lackawanna County Rail Authority the
16 following four (4) courses and distances:

- 17 1. South 70 degrees 49 minutes 56 seconds West five and
18 ninety-three hundredths (5.93 feet) feet to a point,
- 19 2. North 88 degrees 44 minutes 38 seconds West fifty-seven
20 and seventy-nine hundredths (57.79 feet) feet to a point
21 of curvature,
- 22 3. along a curve to the right having a radius of nine
23 hundred eighty-eight and thirty-one hundredths (988.31
24 feet) feet for an arc length of three hundred sixty-one
25 and fifty-one hundredths (361.51 feet) feet (chord
26 bearing and distance being North 68 degrees 51 minutes 46
27 seconds West 359.50 feet) to a point of tangency, and
- 28 4. North 53 degrees 36 minutes 54 seconds West eighty and
29 seven hundredths (80.07 feet) feet to a point on the
30 southeasterly right-of-way line of Cliff Street;

1 Thence along said line of Cliff Street North 38 degrees 49
2 minutes 51 seconds East two hundred fifty-three and five tenths
3 (253.50 feet) feet to the point of BEGINNING.

4 CONTAINING 2.24 acres of land being the same, more or less.

5 LOT 1B

6 BEGINNING at a 5/8 inch rebar on the southeasterly right-of-way
7 line of Cliff Street, said point also being a common corner of
8 lands the National Park Service and Lot 1B as shown on a plan
9 titled, "The Commonwealth of Pennsylvania - Department of
10 General Services - RB 1216 Pg 289 - Minor Subdivision" dated
11 July, 2005 and prepared by Acker Associates, Inc.;

12 Thence along said line of Cliff Street North 38 degrees 49
13 minutes 51 seconds East thirty-nine and twenty-six hundredths
14 (39.26 feet) feet to a point in line of Lackawanna County Rail
15 Authority;

16 Thence along said lands of Lackawanna County Rail Authority the
17 following two (2) courses and distances:

18 1. South 51 degrees 32 minutes 09 seconds East one and
19 forty-eight and thirty-nine hundredths (148.39 feet) feet
20 to a point, and

21 2. South 66 degrees 46 minutes 09 seconds East fifty-five
22 and twenty-six hundredths (55.26 feet) feet to a point;

23 Thence along Lot 2 the following three (3) courses and
24 distances:

25 1. South 25 degrees 41 minutes 58 seconds West eleven and
26 fifty-nine hundredths (11.59 feet) feet to a point,

27 2. South 39 degrees 59 minutes 28 seconds West fifty-eight
28 and five hundredths (58.05 feet) feet to a point, and

29 3. South 48 degrees 45 minutes 01 second West twenty-two and
30 ninety-five hundredths (22.95 feet) feet to a point in

1 line of lands of the National Park Service;
2 Thence along said lands of the National Park Service North 40
3 degrees 40 minutes 45 seconds West two hundred two and five
4 tenths (202.50 feet) feet to the point of BEGINNING.
5 CONTAINING 12,315 square feet (0.28 acres) of land being the
6 same, more or less.

7 Section 3. The conveyance authorized by section 2 shall be
8 in exchange for the conveyance, by special warranty deed, from
9 COLTS, to the Commonwealth of Pennsylvania, acting by and
10 through its Department of General Services, of all that certain
11 piece or parcel of land situate in the City of Scranton,
12 Lackawanna County, Pennsylvania, bounded and described as
13 follows:

14 All that certain lot, piece or parcel of land situate in the
15 8th Ward, City of Scranton, County of Lackawanna and State of
16 Pennsylvania, bounded and described as follows:

17 Beginning at a point located on the northeasterly side of
18 Lackawanna Avenue, said point being also located by a bearing of
19 N 39 degrees 00 minutes W, and a distance of 138.0 feet as
20 measured along the northeasterly side of Lackawanna Avenue from
21 its intersection with the northwesterly right-of-way line of the
22 D.L. & W. R.R.; thence, along the line of Lackawanna Avenue N 39
23 degrees 00 minutes W, 294.52 feet to a point of intersection
24 with a curve measured radially 100 feet from the center line of
25 the D. & H. R.R. Co.; thence on a curve to the left parallel to
26 the center line of said D. & H. R.R. and 100 feet therefrom,
27 said curve having a radius of 750.14 feet and length of 867.02
28 feet with a long chord bearing and distance of N 71 degrees 01
29 minute E, 819.55 feet to a point; thence S 39 degrees 00 minutes
30 E, 45.04 feet to a point on the northwesterly right-of-way line

1 of the D.L. & W. R.R.; thence along said right-of-way the
2 following two courses and distances (1) on a curve to the right,
3 having a radius of 4,037.11 and length of 278.15 and a long
4 chord bearing and distance of a 31 degrees 32 minutes W, 278.10
5 feet and (2) S 47 degrees 38 minutes W, 208.68 feet to a corner
6 of other lands of the S.R.A.; thence along lands of said S.R.A.,
7 the following two courses and distances (1) N 39 degrees 00
8 minutes W, 136.0 feet and (2) S 51 degrees 00 minutes W, 300.0
9 feet to the place of beginning.

10 Containing 2.277 acres of land more or less as surveyed by
11 John R. Hennemuth, Registered Civil Engineer.

12 Parcel 18-A

13 All that certain lot, piece or parcel of land situate in the
14 8th Ward, City of Scranton, County of Lackawanna and State of
15 Pennsylvania, bounded and described as follows:

16 Beginning at a point located on the northeasterly side of
17 Lackawanna Avenue, said point being also located by a bearing of
18 N 39 degrees 00 minutes W and a distance of 138.00 feet as
19 measured along the northeasterly side of Lackawanna Avenue from
20 its intersection with the northwesterly right-of-way line of the
21 D. L. & W. R.R., said point being also common to a corner of
22 Parcel 18 of the S.R.A. as shown on drawing D-14-72 by John R.
23 Hennemuth, P.E.; thence along the line of parcel 18, N 51
24 degrees 00 minutes E, 300 feet to a corner; thence still along
25 the line of Parcel 18, S 39 degrees 00 minutes E, 6.0 feet to a
26 corner; thence over and across other lands of the S.R.A., S 51
27 degrees 00 minutes W, 300.0 feet to a point on the northeasterly
28 side of Lackawanna Avenue; thence along the side of said Avenue
29 N 39 degrees 00 minutes W, 6.0 feet to the place of beginning.

30 Containing 0.041 acres of land and shown as Parcel 18-A on

1 drawing B-22-72 by John R. Hennemuth, Registered Civil Engineer.

2 CONTAINING 2.318 acres, more or less.

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

11 Section 4. The conveyance described in section 2 shall be
12 made under and subject to all lawful and enforceable easements,
13 servitudes and rights of others, including but not confined to
14 streets, roadways and rights of any telephone, telegraph, water,
15 electric, gas or pipeline companies, as well as under and
16 subject to any lawful and enforceable estates or tenancies
17 vested in third persons appearing of record, for any portion of
18 the land or improvements erected thereon.

19 Section 5. The deed of conveyance described in section 2
20 shall be by special warranty deed and shall be executed by the
21 Secretary of General Services in the name of the Commonwealth of
22 Pennsylvania.

23 Section 6. Any conveyance authorized under section 2 shall
24 be made under and subject to the condition, which shall be
25 contained in the deed of conveyance, that no portion of the
26 property conveyed shall be used as a licensed facility, as
27 defined in 4 Pa.C.S. § 1103 (relating to definitions), or any
28 other similar type of facility authorized under the laws of this
29 Commonwealth. The condition shall be a covenant running with the
30 land and shall be binding upon the grantee, its successors and

1 assigns. Should the grantee, its successors or assigns, permit
2 any portion of the property authorized to be conveyed in this
3 act to be used in violation of this section, the title shall
4 immediately revert to and revest in the grantor.

5 Section 7. All costs and fees incidental to the conveyances
6 authorized by this act shall be borne by the grantee.

7 Section 8. In the event that these conveyances are not
8 executed within 12 months of the effective date of this act, the
9 authorization contained in this act shall become null and void.

10 Section 9. This act shall take effect immediately.