

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1237 Session of 2006

INTRODUCED BY MELLOW, JUNE 15, 2006

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES, OCTOBER 16, 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; AUTHORIZING THE
7 DEPARTMENT OF GENERAL SERVICES, WITH THE CONCURRENCE OF THE
8 DEPARTMENT OF ENVIRONMENTAL PROTECTION, TO LEASE TO
9 PHILADELPHIA WATERFRONT PARTNERS, LLC, LAND WITHIN THE BED OF
10 THE DELAWARE RIVER WITHIN THE CITY OF PHILADELPHIA;
11 AUTHORIZING THE DEPARTMENT OF GENERAL SERVICES, WITH THE
12 APPROVAL OF THE GOVERNOR, TO DEDICATE, GRANT AND CONVEY TO
13 THE STRASBURG, LANCASTER COUNTY, BOROUGH AUTHORITY, A WATER
14 MAIN AND APPURTENANCES TO BE CONSTRUCTED BY THE DEPARTMENT OF
15 GENERAL SERVICES, TOGETHER WITH EASEMENTS FOR PUBLIC WATER
16 PURPOSES, SITUATE IN STRASBURG TOWNSHIP, LANCASTER COUNTY,
17 AND TO GRANT SUCH FURTHER EASEMENTS AND LICENSES AS MAY BE
18 NECESSARY TO PROVIDE THE RAILROAD MUSEUM OF PENNSYLVANIA WITH
19 ACCESS TO PUBLIC SEWER SERVICE; AND AUTHORIZING AND DIRECTING
20 THE DEPARTMENT OF GENERAL SERVICES, WITH THE APPROVAL OF THE
21 GOVERNOR AND THE DEPARTMENT OF MILITARY AND VETERANS AFFAIRS,
22 TO GRANT AND CONVEY TO THE BOROUGH OF MANSFIELD CERTAIN LANDS
23 SITUATE IN THE BOROUGH OF MANSFIELD, TIOGA COUNTY.

24 The General Assembly of the Commonwealth of Pennsylvania
25 hereby enacts as follows:

26 ~~Section 1. The Department of General Services, with the~~

27 SECTION 1. COUNTY OF LACKAWANNA TRANSIT SYSTEM AUTHORITY.

1 (A) AUTHORIZATION.--THE DEPARTMENT OF GENERAL SERVICES, WITH
2 THE approval of the Governor, is hereby authorized on behalf of
3 the Commonwealth of Pennsylvania to grant and convey to the
4 County of Lackawanna Transit System Authority (hereinafter
5 COLTS) certain lands situate in the City of Scranton, Lackawanna
6 County, in exchange for a certain tract of land from COLTS
7 situate in the City of Scranton, Lackawanna County.

8 ~~Section 2.~~ (B) DESCRIPTION.--The property to be conveyed to ←
9 COLTS pursuant to section 1 consists of approximately 2.52 acres
10 of land and improvements thereon bounded and more particularly
11 described as follows:

12 LOT 1A

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

19 Thence along said ~~line~~ LINE of Lackawanna Avenue South 51 ←
20 degrees 28 minutes 04 seconds East four hundred seventy-one and
21 five hundredths (471.05 feet) feet to a point in line of lands
22 of Scranton Mall Associates;

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

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

28 1. South 70 degrees 49 minutes 56 seconds West five and
29 ninety-three hundredths (5.93 feet) feet to a point,

30 2. North 88 degrees 44 minutes 38 seconds West fifty-seven

1 and seventy-nine hundredths (57.79 feet) feet to a point
2 of curvature,

3 3. along a curve to the right having a radius of nine
4 hundred eighty-eight and thirty-one hundredths (988.31
5 feet) feet for an arc length of three hundred sixty-one
6 and fifty-one hundredths (361.51 feet) feet (chord
7 bearing and distance being North 68 degrees 51 minutes 46
8 seconds West 359.50 feet) to a point of tangency, and

9 4. North 53 degrees 36 minutes 54 seconds West eighty and
10 seven hundredths (80.07 feet) feet to a point on the
11 southeasterly right-of-way line of Cliff Street;

12 Thence along said line of Cliff Street North 38 degrees 49
13 minutes 51 seconds East two hundred fifty-three and five tenths
14 (253.50 feet) feet to the point of BEGINNING.

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

16 LOT 1B

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

23 Thence along said line of Cliff Street North 38 degrees 49
24 minutes 51 seconds East thirty-nine and twenty-six hundredths
25 (39.26 feet) feet to a point in line of Lackawanna County Rail
26 Authority;

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

29 1. South 51 degrees 32 minutes 09 seconds East one and
30 forty-eight and thirty-nine hundredths (148.39 feet) feet

1 to a point, and

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

4 Thence along Lot 2 the following three (3) courses and
5 distances:

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

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

10 3. South 48 degrees 45 minutes 01 second West twenty-two and
11 ninety-five hundredths (22.95 feet) feet to a point in
12 line of lands of the National Park Service;

13 Thence along said lands of the National Park Service North 40
14 degrees 40 minutes 45 seconds West two hundred two and five
15 tenths (202.50 feet) feet to the point of BEGINNING.

16 CONTAINING 12,315 square feet (0.28 acres) of land being the
17 same, more or less.

18 ~~Section 3.~~ (C) EXCHANGE.--The conveyance authorized by <—

19 ~~section 2~~ SUBSECTION (B) shall be in exchange for the <—

20 conveyance, by special warranty deed, from COLTS, to the
21 Commonwealth of Pennsylvania, acting by and through its
22 Department of General Services, of all that certain piece or
23 parcel of land situate in the City of Scranton, Lackawanna
24 County, Pennsylvania, bounded and described as follows:

25 All that certain lot, piece or parcel of land situate in the
26 8th Ward, City of Scranton, County of Lackawanna and State of
27 Pennsylvania, bounded and described as follows:

28 Beginning at a point located on the northeasterly side of
29 Lackawanna Avenue, said point being also located by a bearing of
30 N 39 degrees 00 minutes W, and a distance of 138.0 feet as

1 measured along the northeasterly side of Lackawanna Avenue from
2 its intersection with the northwesterly right-of-way line of the
3 D.L. & W. R.R.; thence, along the line of Lackawanna Avenue N 39
4 degrees 00 minutes W, 294.52 feet to a point of intersection
5 with a curve measured radially 100 feet from the center line of
6 the D. & H. R.R. Co.; thence on a curve to the left parallel to
7 the center line of said D. & H. R.R. and 100 feet therefrom,
8 said curve having a radius of 750.14 feet and length of 867.02
9 feet with a long chord bearing and distance of N 71 degrees 01
10 minute E, 819.55 feet to a point; thence S 39 degrees 00 minutes
11 E, 45.04 feet to a point on the northwesterly right-of-way line
12 of the D.L. & W. R.R.; thence along said right-of-way the
13 following two courses and distances (1) on a curve to the right,
14 having a radius of 4,037.11 and length of 278.15 and a long
15 chord bearing and distance of a 31 degrees 32 minutes W, 278.10
16 feet and (2) S 47 degrees 38 minutes W, 208.68 feet to a corner
17 of other lands of the S.R.A.; thence along lands of said S.R.A.,
18 the following two courses and distances (1) N 39 degrees 00
19 minutes W, 136.0 feet and (2) S 51 degrees 00 minutes W, 300.0
20 feet to the place of beginning.

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

23 Parcel 18-A

24 All that certain lot, piece or parcel of land situate in the
25 8th Ward, City of Scranton, County of Lackawanna and State of
26 Pennsylvania, bounded and described as follows:

27 Beginning at a point located on the northeasterly side of
28 Lackawanna Avenue, said point being also located by a bearing of
29 N 39 degrees 00 minutes W and a distance of 138.00 feet as
30 measured along the northeasterly side of Lackawanna Avenue from

1 its intersection with the northwesterly right-of-way line of the
2 D. L. & W. R.R., said point being also common to a corner of
3 Parcel 18 of the S.R.A. as shown on drawing D-14-72 by John R.
4 Hennemuth, P.E.; thence along the line of parcel 18, N 51
5 degrees 00 minutes E, 300 feet to a corner; thence still along
6 the line of Parcel 18, S 39 degrees 00 minutes E, 6.0 feet to a
7 corner; thence over and across other lands of the S.R.A., S 51
8 degrees 00 minutes W, 300.0 feet to a point on the northeasterly
9 side of Lackawanna Avenue; thence along the side of said Avenue
10 N 39 degrees 00 minutes W, 6.0 feet to the place of beginning.
11 Containing 0.041 acres of land and shown as Parcel 18-A on
12 drawing B-22-72 by John R. Hennemuth, Registered Civil Engineer.

13 CONTAINING 2.318 acres, more or less.

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

22 ~~Section 4.~~ (D) EASEMENTS.--The conveyance described in <—
23 ~~section 2~~ SUBSECTION (B) shall be made under and subject to all <—
24 lawful and enforceable easements, servitudes and rights of
25 others, including but not confined to streets, roadways and
26 rights of any telephone, telegraph, water, electric, gas or
27 pipeline companies, as well as under and subject to any lawful
28 and enforceable estates or tenancies vested in third persons
29 appearing of record, for any portion of the land or improvements
30 erected thereon.

1 ~~Section 5.~~ (E) DEED.--The deed of conveyance described in <—
2 ~~section 2~~ SUBSECTION (B) shall be by special warranty deed and <—
3 shall be executed by the Secretary of General Services in the
4 name of the Commonwealth of Pennsylvania.

5 ~~Section 6.~~ (F) CONDITIONS.--Any conveyance authorized under <—
6 ~~section 2~~ SUBSECTION (B) shall be made under and subject to the <—
7 condition, which shall be contained in the deed of conveyance,
8 that no portion of the property conveyed shall be used as a
9 licensed facility, as defined in 4 Pa.C.S. § 1103 (relating to
10 definitions), or any other similar type of facility authorized
11 under the laws of this Commonwealth. The condition shall be a
12 covenant running with the land and shall be binding upon the
13 grantee, its successors and assigns. Should the grantee, its
14 successors or assigns, permit any portion of the property
15 authorized to be conveyed in this ~~act~~ SECTION to be used in <—
16 violation of this section, the title shall immediately revert to
17 and revert in the grantor.

18 ~~Section 7.~~ (G) COSTS AND FEES.--All costs and fees <—
19 incidental to the conveyances authorized by this ~~act~~ SECTION <—
20 shall be borne by the grantee.

21 ~~Section 8.~~ (H) ALTERNATE DISPOSITION.--In the event that <—
22 these conveyances are not executed within 12 months of the
23 effective date of this ~~act~~ SECTION, the authorization contained <—
24 in this ~~act~~ SECTION shall become null and void. <—

25 SECTION 2. LAND WITHIN THE DELAWARE RIVER BED. <—

26 (A) AUTHORIZATION.--THE COMMONWEALTH OF PENNSYLVANIA OWNS
27 THE LANDS WITHIN THE BED OF THE DELAWARE RIVER, A PORTION OF
28 WHICH LANDS ARE LOCATED IN THE 65TH WARD OF THE CITY OF
29 PHILADELPHIA. THE DEPARTMENT OF GENERAL SERVICES, WITH THE
30 CONCURRENCE OF THE DEPARTMENT OF ENVIRONMENTAL PROTECTION,

1 ACTING ON BEHALF OF THE COMMONWEALTH, IS HEREBY AUTHORIZED TO
2 LEASE TO PHILADELPHIA WATERFRONT PARTNERS, LLC, FOR AN INITIAL
3 TERM OF UP TO 99 YEARS, LAND WITHIN THE BED OF THE DELAWARE
4 RIVER IN THE CITY OF PHILADELPHIA, AND TO EXTEND THE PERIOD FOR
5 ALL OR ANY PORTION OF THE LEASED PREMISES FOR AN ADDITIONAL TERM
6 OF UP TO 99 YEARS.

7 (B) DESCRIPTION OF PROPERTY.--THE LAND TO BE LEASED IS
8 APPROXIMATELY 7.0 ACRES OF FILLED LAND AS MORE PARTICULARLY
9 DESCRIBED AS FOLLOWS:

10 ALL THAT CERTAIN LOT OR PIECE OF GROUND TOGETHER WITH THE
11 IMPROVEMENTS THEREON ERECTED, SITUATE IN THE 65TH WARD OF THE
12 CITY OF PHILADELPHIA AND DESCRIBED AS FOLLOWS TO WIT:

13 BEGINNING AT AN INTERNAL POINT SAID POINT BEING THE
14 INTERSECTION OF THE NORTHEASTERLY SIDE OF PREMISES A AS SHOWN ON
15 INDEPENDENCE POINTE, LOT LINE RELOCATION PLAN PREPARED BY
16 PENNONI ASSOCIATES INC., DATED 12/19/05, WITH THE BULKHEAD LINE
17 DELAWARE RIVER APPROVED BY THE SECRETARY OF WAR ON SEPTEMBER 10,
18 1940, SAID POINT BEING DISTANT SOUTH 34 DEGREES 12 MINUTES 22
19 SECONDS EAST, 3,069.098 FEET FROM A POINT ON THE SOUTHEASTERLY
20 SIDE OF STATE ROAD (80 FEET WIDE) AS SHOWN ON SAID LOT LINE
21 RELOCATION PLAN;

22 THENCE FROM SAID POINT OF BEGINNING EXTENDING SOUTH 34
23 DEGREES 12 MINUTES 22 SECONDS EAST, 299.685 FEET TO THE PIERHEAD
24 LINE OF THE DELAWARE RIVER APPROVED BY THE SECRETARY OF WAR ON
25 SEPTEMBER 10, 1940;

26 THENCE EXTENDING ALONG THE PIERHEAD LINE OF DELAWARE RIVER
27 THE FOLLOWING TWO (2) COURSES AND DISTANCES:

28 (1) SOUTH 52 DEGREES 42 MINUTES 41 SECONDS WEST, 533.414
29 FEET TO AN ANGLE POINT;

30 (2) SOUTH 69 DEGREES 24 MINUTES 38 SECONDS WEST, 837.490

1 FEET TO A POINT ON THE SOUTHWESTERLY LINE OF PREMISES A;
2 THENCE EXTENDING BY THE SOUTHWESTERLY LINE OF PREMISES A,
3 NORTH 32 DEGREES 39 MINUTES 35 SECONDS WEST, 306.032 FEET TO A
4 POINT ON THE BULKHEAD LINE OF THE DELAWARE RIVER;

5 THENCE EXTENDING ALONG THE BULKHEAD LINE OF THE DELAWARE
6 RIVER THE FOLLOWING TWO (2) COURSES AND DISTANCES:

7 (1) NORTH 69 DEGREES 24 MINUTES 38 SECONDS EAST, 857.615
8 FEET TO AN ANGLE POINT;

9 (2) NORTH 52 DEGREES 42 MINUTES 41 SECONDS EAST, 505.557
10 FEET TO THE FIRST MENTIONED POINT AND PLACE OF BEGINNING
11 CONTAINING 409,100 SQUARE FEET OR 9.39164 ACRES, MORE OR
12 LESS, BE THE CONTENTS THEREOF WHAT THEY MAY.

13 (C) LEASE AGREEMENT.--THE LEASE AND ANY OTHER DOCUMENTS
14 HEREBY CONTEMPLATED SHALL BE APPROVED BY THE ATTORNEY GENERAL
15 AND SHALL BE EXECUTED BY THE DEPARTMENT OF GENERAL SERVICES WITH
16 THE CONCURRENCE OF THE DEPARTMENT OF ENVIRONMENTAL PROTECTION,
17 WHICH APPROVALS SHALL NOT BE UNREASONABLY WITHHELD, IN THE NAME
18 OF THE COMMONWEALTH. THE LEASE SHALL GRANT THE LESSEE AND ALL
19 SUCCESSORS, ASSIGNS AND SUBLESSEES THE RIGHT TO USE THE ABOVE-
20 DESCRIBED PREMISES, OR TO ASSIGN THE LEASE OR SUBLEASE OR PERMIT
21 THE SUBLEASE OF THE ABOVE-DESCRIBED PREMISES, FOR THE PURPOSES
22 OF DEVELOPMENT, CONSISTENT WITH PUBLIC AND/OR MARITIME USES, FOR
23 RESIDENTIAL, OFFICE, COMMERCIAL, CONDOMINIUM, HOTEL, MARINA OR
24 OTHER USES.

25 (D) SUBLEASE.--THE DEPARTMENT OF GENERAL SERVICES, WITH THE
26 CONCURRENCE OF THE DEPARTMENT OF ENVIRONMENTAL PROTECTION,
27 ACTING ON BEHALF OF THE COMMONWEALTH OF PENNSYLVANIA, IS ALSO
28 SPECIFICALLY AUTHORIZED TO ENTER INTO ONE OR MORE NONDISTURBANCE
29 AGREEMENTS WITH ANY SUBLESSEE OF THE PREMISES DESCRIBED IN THIS
30 SECTION PURSUANT TO WHICH THE COMMONWEALTH WILL AGREE THAT, IF

1 THE COMMONWEALTH SUCCEEDS TO THE INTEREST OF THE SUBLESSOR UNDER
2 THE SUBLEASE, IT WILL NOT TERMINATE THE SUBLEASE UNLESS THE
3 SUBLESSEE IS IN DEFAULT.

4 (E) LAND USE RESTRICTION.--ALL LEASES AUTHORIZED OR REFERRED
5 TO UNDER THIS SECTION SHALL BE MADE UNDER AND SUBJECT TO THE
6 CONDITION, WHICH SHALL BE CONTAINED IN THE LEASE DOCUMENTS, THAT
7 NO PORTION OF THE PARCELS SHALL BE USED AS A LICENSED FACILITY
8 AS DEFINED IN 4 PA.C.S. § 1103 (RELATING TO DEFINITIONS) OR ANY
9 OTHER SIMILAR TYPE OF FACILITY AUTHORIZED UNDER THE LAWS OF THIS
10 COMMONWEALTH. THIS CONDITION SHALL BE A COVENANT RUNNING WITH
11 THE LAND AND SHALL BE BINDING UPON THE LESSEE AND SUBLESSEES AND
12 THEIR RESPECTIVE SUCCESSORS AND ASSIGNS. SHOULD ANY PORTION OF
13 ANY PARCEL AUTHORIZED TO BE LEASED UNDER THIS SECTION BE USED IN
14 VIOLATION OF THIS SUBSECTION, THE LEASE SHALL TERMINATE
15 IMMEDIATELY.

16 (F) IMPROVEMENTS.--

17 (1) THE DEPARTMENT OF GENERAL SERVICES, WITH THE
18 APPROVAL OF THE ATTORNEY GENERAL, IS HEREBY AUTHORIZED TO
19 EXECUTE, ON BEHALF OF THE COMMONWEALTH OF PENNSYLVANIA, ANY
20 DECLARATION OR OTHER DOCUMENT NECESSARY TO SUBMIT THESE
21 PREMISES OR ANY PORTION THEREOF AND ANY IMPROVEMENTS THEREON
22 TO THE PROVISIONS OF 68 PA.C.S. PT. II SUBPT. B (RELATING TO
23 CONDOMINIUMS) AS A LEASEHOLD CONDOMINIUM.

24 (2) DEVELOPMENT OF THE PARCELS AUTHORIZED TO BE LEASED
25 IN THIS SECTION SHALL BE FOR RESIDENTIAL, OFFICE, COMMERCIAL,
26 CONDOMINIUM, HOTEL, MARINA OR OTHER USES CONSISTENT WITH
27 PUBLIC AND MARITIME USES.

28 (3) THE LESSEE, ALL SUBLESSEES AND THEIR RESPECTIVE
29 SUCCESSORS AND ASSIGNS, SHALL PROVIDE AND MAINTAIN AT LEAST
30 THE FOLLOWING FREE PUBLIC ACCESS TO THE RIVERFRONT, FOR

1 FISHING AND OTHER RECREATION ACTIVITIES AND FREE PUBLIC
2 PARKING IN CONNECTION WITH SUCH ACCESS:

3 (I) A MINIMUM OF TEN FREE PUBLIC PARKING SPACES
4 AVAILABLE AT ALL TIMES LOCATED PROXIMATE TO THE PUBLIC
5 WALKWAY NEAR THE WATER EDGE AND SIGNAGE INDICATING THE
6 FREE PUBLIC PARKING.

7 (II) PUBLIC WALKWAYS ON THE RIVERFRONT, INCLUDING
8 WATER EDGE PROMENADES ALONG THE ENTIRE WATER EDGE OF THE
9 LEASEHOLD AND ADJACENT TO THE WATER AND PROVIDING FREE
10 PUBLIC ACCESS TO THE WATER AND ALLOWING FOR PASSIVE AND
11 ACTIVE RECREATIONAL ACTIVITIES YEAR-ROUND AND SIGNAGE
12 INDICATING THE WALKWAYS ARE OPEN TO THE GENERAL PUBLIC.

13 (III) A FREE PUBLIC PARK AREA ALONG THE PUBLIC
14 WALKWAY NEAR THE WATER.

15 (IV) PUBLIC ACCESS TO THE DELAWARE RIVER WHICH WITH
16 THE WATERFRONT SETBACK REQUIREMENTS SET FORTH IN SECTION
17 14-216(6)(G) OF THE PHILADELPHIA CODE (ENACTED INTO LAW
18 BY AN ORDINANCE ENACTING BILL NO. 050465, PASSED BY THE
19 CITY COUNCIL ON JUNE 16, 2005, AND SIGNED BY THE MAYOR ON
20 JULY 8, 2005).

21 (4) SHOULD THE LESSEE, ANY SUBLESSEE OR ANY OF THEIR
22 RESPECTIVE SUCCESSORS OR ASSIGNS WISH TO MODIFY THE PUBLIC
23 ACCESS AND PARKING REQUIRED BY THIS SECTION, IT MUST OBTAIN
24 THE PRIOR WRITTEN APPROVAL OF THE DEPARTMENT OF ENVIRONMENTAL
25 PROTECTION AND THE DEPARTMENT OF GENERAL SERVICES, WHICH
26 APPROVAL SHALL NOT BE UNREASONABLY WITHHELD. THE PUBLIC
27 ACCESS AND PARKING SHALL BE COMPLETED AND OPEN TO THE PUBLIC
28 NO LATER THAN THE DATE THE FIRST TENANT OR RESIDENT OCCUPIES
29 EITHER THE LEASEHOLD OR THE LAND ADJACENT TO THE LEASEHOLD.

30 (5) NOTHING IN THIS SECTION SHALL AFFECT OR OTHERWISE

1 LIMIT THE REQUIREMENTS OF THE ACT OF NOVEMBER 26, 1978
2 (P.L.1375, NO.325), KNOWN AS THE DAM SAFETY AND ENCROACHMENTS
3 ACT, WHICH MAY REQUIRE FURTHER MEASURES TO PROVIDE FOR PUBLIC
4 ACCESS AND USE OF THE LAND AND ADJACENT WATER.

5 (6) THE CONDITIONS CONTAINED IN THIS SUBSECTION SHALL BE
6 COVENANTS THAT RUN WITH THE LAND AND SHALL BE BINDING UPON
7 THE LESSEE, ANY SUBLESSEE AND THEIR RESPECTIVE SUCCESSORS AND
8 ASSIGNS. SHOULD THE LESSEE, ANY SUBLESSEE OR ANY OF THEIR
9 RESPECTIVE SUCCESSORS OR ASSIGNS, PERMIT THE PARCELS
10 AUTHORIZED TO BE LEASED UNDER THIS SECTION, OR ANY PORTION
11 THEREOF, TO BE USED IN A MANNER INCONSISTENT WITH THE
12 CONDITIONS CONTAINED IN THIS SUBSECTION, ALL RIGHTS AND
13 INTERESTS IN THE LEASE AUTHORIZED BY THIS SECTION SHALL
14 TERMINATE IMMEDIATELY.

15 (G) CONSIDERATION.--THE DEPARTMENT OF GENERAL SERVICES SHALL
16 LEASE THE LAND WITHIN THE BED OF THE DELAWARE RIVER AS DESCRIBED
17 IN SUBSECTION (B) FOR \$10 PER YEAR AND UPON SUCH TERMS AND
18 CONDITIONS AS IT SHALL, WITH THE CONCURRENCE OF THE DEPARTMENT
19 OF ENVIRONMENTAL PROTECTION, ESTABLISH THROUGH THE LEASE
20 AGREEMENTS. SUCH TERMS MAY INCLUDE A REQUIREMENT TO COMMENCE AND
21 CONSTRUCT SUCH IMPROVEMENTS AUTHORIZED AND/OR REQUIRED IN THIS
22 SECTION WITHIN CERTAIN TIME PERIODS.

23 (H) COSTS AND FEES.--COSTS AND FEES INCIDENTAL TO THE LEASE
24 AUTHORIZED UNDER THIS SECTION SHALL BE BORNE BY THE LESSEE.

25 (I) SUNSET PROVISION.--IN THE EVENT THAT THE LEASE
26 AUTHORIZED BY THIS SECTION DOES NOT OCCUR WITHIN 18 MONTHS
27 FOLLOWING THE EFFECTIVE DATE OF THIS SECTION, THE AUTHORITY
28 CONTAINED IN THIS SECTION SHALL BE VOID.

29 SECTION 3. CONVEYANCE IN STRASBURG BOROUGH, LANCASTER
30 COUNTY.

1 (A) AUTHORIZATION.--THE DEPARTMENT OF GENERAL SERVICES, WITH
2 THE APPROVAL OF THE GOVERNOR, IS HEREBY AUTHORIZED ON BEHALF OF
3 THE COMMONWEALTH OF PENNSYLVANIA TO DEDICATE, GRANT AND CONVEY
4 TO THE STRASBURG, LANCASTER COUNTY, BOROUGH AUTHORITY, FOR
5 \$1.00, A WATER MAIN AND APPURTENANCES TO SUCH WATER MAIN TO BE
6 CONSTRUCTED BY THE DEPARTMENT OF GENERAL SERVICES AS PART OF
7 PROJECT NO. DGS 980-6, TOGETHER WITH SUCH EASEMENTS AS MAY BE
8 NECESSARY FOR PURPOSES OF THE OPERATION, MAINTENANCE, REPAIR AND
9 REPLACEMENT OF SUCH WATER MAIN AND APPURTENANCES, OVER, THROUGH,
10 AND IN CERTAIN PROPERTY CONSTITUTING, OR ADJACENT TO, THE
11 GROUNDS OF THE RAILROAD MUSEUM OF PENNSYLVANIA, AS DESCRIBED IN
12 SUBSECTION (B).

13 (B) EASEMENT.--PURSUANT TO SUBSECTION (A), THE DEPARTMENT OF
14 GENERAL SERVICES IS AUTHORIZED TO GRANT TO THE STRASBURG,
15 LANCASTER COUNTY, BOROUGH AUTHORITY A PERMANENT EASEMENT, NOT TO
16 EXCEED 25 FEET IN WIDTH, OVER, THROUGH, AND IN THE REAL PROPERTY
17 CONSTITUTING THE GROUNDS OF THE RAILROAD MUSEUM OF PENNSYLVANIA,
18 CONSISTING OF THE REAL PROPERTY ACQUIRED BY THE GENERAL STATE
19 AUTHORITY PURSUANT TO DEEDS RECORDED AT THE OFFICE OF THE
20 RECORDER OF DEEDS OF LANCASTER COUNTY AT DEED BOOK W, VOLUME 56,
21 PAGE 212, DEED BOOK O, VOLUME 60, PAGE 527, AND DEED BOOK D,
22 VOLUME 57, PAGE 123. THE DEPARTMENT OF GENERAL SERVICES IS
23 FURTHER AUTHORIZED TO TRANSFER, CONVEY OR ASSIGN TO THE
24 STRASBURG, LANCASTER COUNTY, BOROUGH AUTHORITY ANY EASEMENT
25 ACQUIRED BY THE DEPARTMENT OF GENERAL SERVICES AS PART OF
26 PROJECT NO. DGS 980-6 FOR PURPOSES OF THE CONSTRUCTION,
27 OPERATION, MAINTENANCE, REPAIR, AND REPLACEMENT OF THE WATER
28 MAIN AND APPURTENANCES.

29 ALL OF THE ABOVE DESCRIBED EASEMENTS TO BE USED FOR PURPOSES
30 OF THE OPERATION, MAINTENANCE, REPAIR, AND REPLACEMENT OF THE

1 WATER MAIN AND APPURTENANCES TO BE CONSTRUED BY THE DEPARTMENT
2 OF GENERAL SERVICES AS PART OF PROJECT NO. DGS 980-6.

3 (C) EXECUTION OF DEED OF EASEMENT.--ANY DEED OR OTHER
4 CONVEYANCE DOCUMENT EXECUTED PURSUANT TO THIS SECTION SHALL BE
5 EXECUTED BY THE SECRETARY OF GENERAL SERVICES IN THE NAME OF THE
6 COMMONWEALTH OF PENNSYLVANIA.

7 (D) COVENANT.--ANY DEED CONVEYING AN EASEMENT OVER, THROUGH,
8 AND IN THE GROUNDS OF THE RAILROAD MUSEUM OF PENNSYLVANIA SHALL
9 CONTAIN A COVENANT REQUIRING THE GRANTEE TO REPAIR, TO THE
10 SATISFACTION OF THE COMMONWEALTH OF PENNSYLVANIA, ANY DAMAGE TO
11 THE EASEMENT AREA CAUSED BY THE GRANTEE'S OPERATION,
12 MAINTENANCE, REPAIR, OR REPLACEMENT OF SAID WATER MAIN AND
13 APPURTENANCES.

14 (E) ADDITIONAL EASEMENTS AND LICENSES.--THE DEPARTMENT OF
15 GENERAL SERVICES IS FURTHER AUTHORIZED TO TRANSFER AND CONVEY,
16 WITH THE APPROVAL OF THE GOVERNOR, ANY EASEMENTS OR LICENSES
17 NECESSARY TO PROVIDE THE RAILROAD MUSEUM OF PENNSYLVANIA WITH
18 ACCESS TO PUBLIC SEWER SERVICE. ACCESS TO PUBLIC SEWER SERVICE
19 MAY BE PROVIDED BY MEANS OF A CONNECTION TO PRIVATELY OWNED
20 SEWER FACILITIES.

21 (F) COSTS.--COSTS AND FEES INCIDENTAL TO THE CONVEYANCES
22 AUTHORIZED BY SECTION 1 SHALL BE BORNE BY THE COMMONWEALTH OF
23 PENNSYLVANIA.

24 SECTION 4. CONVEYANCE IN MANSFIELD BOROUGH, TIOGA COUNTY.

25 (A) AUTHORIZATION.--THE DEPARTMENT OF GENERAL SERVICES, WITH
26 THE APPROVAL OF THE GOVERNOR AND THE DEPARTMENT OF MILITARY AND
27 VETERANS AFFAIRS, IS AUTHORIZED AND DIRECTED ON BEHALF OF THE
28 COMMONWEALTH OF PENNSYLVANIA TO GRANT AND CONVEY TO THE BOROUGH
29 OF MANSFIELD CERTAIN LAND SITUATE IN THE BOROUGH OF MANSFIELD,
30 TIOGA COUNTY FOR FAIR MARKET VALUE AS DETERMINED BY INDEPENDENT

1 APPRAISAL.

2 (B) DESCRIPTION.--THE PROPERTY TO BE CONVEYED PURSUANT TO
3 SUBSECTION (A) CONSISTS OF APPROXIMATELY 1.23 ACRES AND AN
4 ARMORY BUILDING BOUNDED AND MORE PARTICULARLY DESCRIBED AS
5 FOLLOWS:

6 BEGINNING AT A POINT AT THE WESTERN EDGE OF THE NOW OR LATE
7 ERIE RAILROAD COMPANY RIGHT-OF-WAY, THE SOUTHEAST CORNER OF LAND
8 OF THE NOW OR LATE MANSFIELD JOINT SCHOOL AUTHORITY AND THE
9 NORTHEAST CORNER OF LAND OF THE NOW OR LATE MANSFIELD SCHOOL
10 DISTRICT, THE POINT OF BEGINNING; THENCE SOUTH 77 DEGREES 50
11 MINUTES WEST ALONG LANDS OF THE NOW OR LATE MANSFIELD SCHOOL
12 DISTRICT, A DISTANCE OF 273.67 FEET TO A POINT, THE SOUTHWEST
13 CORNER HEREOF; THENCE NORTH 13 DEGREES 30 MINUTES WEST ALONG
14 LANDS OF THE NOW OR LATE MANSFIELD JOINT SCHOOL AUTHORITY, A
15 DISTANCE OF 252.25 FEET TO A POINT, THE NORTHWEST CORNER HEREOF;
16 THENCE NORTH 76 DEGREES 30 MINUTES EAST ALONG LANDS OF THE NOW
17 OR LATE MANSFIELD JOINT SCHOOL AUTHORITY A DISTANCE OF 153.00
18 FEET TO A POINT AT THE WESTERN EDGE OF THE NOW OR LATE ERIE
19 RAILROAD COMPANY RIGHT-OF-WAY, THE NORTHEAST CORNER HEREOF;
20 THENCE ALONG THE SAID RAILROAD COMPANY RIGHT-OF-WAY, SOUTH 27
21 DEGREES 48 MINUTES EAST, A DISTANCE OF 12.00 FEET TO A POINT;
22 THENCE SOUTH 38 DEGREES 55 MINUTES EAST ALONG SAID RAILROAD
23 COMPANY RIGHT-OF-WAY, A DISTANCE OF 272.25 FEET TO A POINT, THE
24 PLACE OF BEGINNING.

25 CONTAINING 1.23 ACRES MORE OR LESS.

26 (C) EASEMENTS.--THE CONVEYANCE SHALL BE MADE UNDER AND
27 SUBJECT TO ALL LAWFUL AND ENFORCEABLE EASEMENTS, SERVITUDES AND
28 RIGHTS OF OTHERS, INCLUDING STREETS, ROADWAYS AND RIGHTS OF ANY
29 TELEPHONE, TELEGRAPH, WATER, ELECTRIC, GAS OR PIPELINE
30 COMPANIES, AS WELL AS UNDER THE SUBJECT TO ANY LAWFUL AND

1 ENFORCEABLE ESTATES OR TENANCIES VESTED IN THIRD PERSONS
2 APPEARING OF RECORD, FOR ANY PORTION OF THE LAND OR IMPROVEMENTS
3 ERECTED ON THE LAND.

4 (D) USE RESTRICTION.--ANY CONVEYANCE AUTHORIZED UNDER THIS
5 SECTION SHALL BE MADE UNDER AND SUBJECT TO THE CONDITION, WHICH
6 SHALL BE CONTAINED IN THE DEED OF CONVEYANCE, THAT NO PORTION OF
7 THE PROPERTY CONVEYED SHALL BE USED AS A LICENSED FACILITY AS
8 DEFINED IN 4 PA.C.S. § 1103 (RELATING TO DEFINITIONS) OR ANY
9 OTHER 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 THE
12 GRANTEE, ITS SUCCESSORS OR ASSIGNS, PERMITS ANY PORTION OF THE
13 PROPERTY AUTHORIZED TO BE CONVEYED IN THIS SECTION TO BE USED IN
14 VIOLATION OF THIS SUBSECTION, THE TITLE SHALL IMMEDIATELY REVERT
15 TO AND REVEST IN THE GRANTOR.

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

19 (F) COSTS AND FEES.--COSTS AND FEES INCIDENTAL TO THIS
20 CONVEYANCE SHALL BE BORNE BY THE GRANTEE.

21 (G) PROCEEDS.--THE PROCEEDS FROM THE CONVEYANCE SHALL BE
22 DEPOSITED IN THE STATE TREASURY ARMORY FUND.

23 (H) ALTERNATE DISPOSITION.--IN THE EVENT THAT THIS
24 CONVEYANCE IS NOT EXECUTED WITHIN 12 MONTHS OF THE EFFECTIVE
25 DATE OF THIS SECTION, THE PROPERTY MAY BE DISPOSED OF IN
26 ACCORDANCE WITH SECTION 2406-A OF THE ACT OF APRIL 9, 1929
27 (P.L.177, NO.175), KNOWN AS THE ADMINISTRATIVE CODE OF 1929.

28 Section 9 5. This act shall take effect immediately.

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