

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1237 Session of 2006

INTRODUCED BY MELLOW, JUNE 15, 2006

SENATE AMENDMENTS TO HOUSE AMENDMENTS, OCTOBER 27, 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 THE CITY OF SCRANTON, LACKAWANNA COUNTY; AUTHORIZING THE DEPARTMENT OF
12 GENERAL SERVICES, WITH THE APPROVAL OF THE GOVERNOR, TO GRANT
13 AND CONVEY TO SPECIFIED HOLDERS OF SLOT MACHINE LICENSES,
14 CERTAIN LANDS IN PHILADELPHIA; authorizing the Department of
15 General Services, with the approval of the Governor, to
16 dedicate, grant and convey to the Strasburg, Lancaster
17 County, Borough Authority, a water main and appurtenances to
18 be constructed by the Department of General Services,
19 together with easements for public water purposes, situate in
20 Strasburg Township, Lancaster County, and to grant such
21 further easements and licenses as may be necessary to provide
22 the Railroad Museum of Pennsylvania with access to public
23 sewer service; and authorizing and directing the Department
24 of General Services, with the approval of the Governor and
25 the Department of Military and Veterans Affairs, to grant and
26 convey to the Borough of Mansfield certain lands situate in
27 the Borough of Mansfield, Tioga County.

28 The General Assembly of the Commonwealth of Pennsylvania
29 hereby enacts as follows:

30 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 (b) Description.--The property to be conveyed to COLTS
9 pursuant to section 1 consists of approximately 2.52 acres of
10 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 of Lackawanna Avenue South 51 degrees 28
20 minutes 04 seconds East four hundred seventy-one and five
21 hundredths (471.05 feet) feet to a point in line of lands of
22 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 (c) Exchange.--The conveyance authorized by subsection (b)
19 shall be in exchange for the conveyance, by special warranty
20 deed, from COLTS, to the Commonwealth of Pennsylvania, acting by
21 and through its Department of General Services, of all that
22 certain piece or parcel of land situate in the City of Scranton,
23 Lackawanna County, Pennsylvania, bounded and described as
24 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 (d) Easements.--The conveyance described in subsection (b)
23 shall be made under and subject to all lawful and enforceable
24 easements, servitudes and rights of others, including but not
25 confined to streets, roadways and rights of any telephone,
26 telegraph, water, electric, gas or pipeline companies, as well
27 as under and subject to any lawful and enforceable estates or
28 tenancies vested in third persons appearing of record, for any
29 portion of the land or improvements erected thereon.

30 (e) Deed.--The deed of conveyance described in subsection

1 (b) shall be by special warranty deed and shall be executed by
2 the Secretary of General Services in the name of the
3 Commonwealth of Pennsylvania.

4 (f) Conditions.--Any conveyance authorized under subsection
5 (b) 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 the laws of this
10 Commonwealth. The condition shall be a covenant running with the
11 land and shall be binding upon the grantee, its successors and
12 assigns. Should the grantee, its successors or assigns, permit
13 any portion of the property authorized to be conveyed in this
14 section to be used in violation of this section, the title shall
15 immediately revert to and revest in the grantor.

16 (g) Costs and fees.--All costs and fees incidental to the
17 conveyances authorized by this section shall be borne by the
18 grantee.

19 (h) Alternate disposition.--In the event that these
20 conveyances are not executed within 12 months of the effective
21 date of this section, the authorization contained in this
22 section shall become null and void.

23 ~~Section 2. Land within the Delaware River bed.~~ <—

24 ~~(a) Authorization. The Commonwealth of Pennsylvania owns~~
25 ~~the lands within the bed of the Delaware River, a portion of~~
26 ~~which lands are located in the 65th Ward of the City of~~
27 ~~Philadelphia. The Department of General Services, with the~~
28 ~~concurrence of the Department of Environmental Protection,~~
29 ~~acting on behalf of the Commonwealth, is hereby authorized to~~
30 ~~lease to Philadelphia Waterfront Partners, LLC, for an initial~~

1 ~~term of up to 99 years, land within the bed of the Delaware~~
2 ~~River in the City of Philadelphia, and to extend the period for~~
3 ~~all or any portion of the leased premises for an additional term~~
4 ~~of up to 99 years.~~

5 ~~(b) Description of property. The land to be leased is~~
6 ~~approximately 7.0 acres of filled land as more particularly~~
7 ~~described as follows:~~

8 ~~ALL THAT CERTAIN lot or piece of ground together with the~~
9 ~~improvements thereon erected, situate in the 65th Ward of the~~
10 ~~City of Philadelphia and described as follows to wit:~~

11 ~~BEGINNING AT AN INTERNAL POINT said point being the~~
12 ~~intersection of the Northeasterly side of Premises A as shown on~~
13 ~~Independence Pointe, Lot Line Relocation Plan prepared by~~
14 ~~Pennoni Associates Inc., dated 12/19/05, with the Bulkhead line~~
15 ~~Delaware River approved by the Secretary of War on September 10,~~
16 ~~1940, said point being distant South 34 degrees 12 minutes 22~~
17 ~~seconds East, 3,069.098 feet from a point on the Southeasterly~~
18 ~~side of State Road (80 feet wide) as shown on said Lot Line~~
19 ~~Relocation Plan:~~

20 ~~THENCE from said Point of Beginning extending South 34~~
21 ~~degrees 12 minutes 22 seconds East, 299.685 feet to the Pierhead~~
22 ~~line of the Delaware River approved by the Secretary of War on~~
23 ~~September 10, 1940;~~

24 ~~THENCE extending along the Pierhead Line of Delaware River~~
25 ~~the following two (2) courses and distances:~~

26 ~~(1) South 52 degrees 42 minutes 41 seconds West, 533.414~~
27 ~~feet to an angle point;~~

28 ~~(2) South 69 degrees 24 minutes 38 seconds West, 837.490~~
29 ~~feet to a Point on the Southwesterly line of Premises A;~~

30 ~~THENCE extending by the Southwesterly line of Premises A,~~

1 ~~North 32 degrees 39 minutes 35 seconds West, 306.032 feet to a~~
2 ~~point on the Bulkhead Line of the Delaware River;~~

3 ~~THENCE extending along the Bulkhead Line of the Delaware~~
4 ~~River the following two (2) courses and distances:~~

5 ~~(1) North 69 degrees 24 minutes 38 seconds East, 857.615~~
6 ~~feet to an angle point;~~

7 ~~(2) North 52 degrees 42 minutes 41 seconds East, 505.557~~
8 ~~feet to the first mentioned point and place of beginning~~

9 ~~Containing 409,100 Square Feet or 9.39164 Acres, more or~~
10 ~~less, be the contents thereof what they may.~~

11 ~~(c) Lease agreement. The lease and any other documents~~
12 ~~hereby contemplated shall be approved by the Attorney General~~
13 ~~and shall be executed by the Department of General Services with~~
14 ~~the concurrence of the Department of Environmental Protection,~~
15 ~~which approvals shall not be unreasonably withheld, in the name~~
16 ~~of the Commonwealth. The lease shall grant the lessee and all~~
17 ~~successors, assigns and sublessees the right to use the above-~~
18 ~~described premises, or to assign the lease or sublease or permit~~
19 ~~the sublease of the above described premises, for the purposes~~
20 ~~of development, consistent with public and/or maritime uses, for~~
21 ~~residential, office, commercial, condominium, hotel, marina or~~
22 ~~other uses.~~

23 ~~(d) Sublease. The Department of General Services, with the~~
24 ~~concurrence of the Department of Environmental Protection,~~
25 ~~acting on behalf of the Commonwealth of Pennsylvania, is also~~
26 ~~specifically authorized to enter into one or more nondisturbance~~
27 ~~agreements with any sublessee of the premises described in this~~
28 ~~section pursuant to which the Commonwealth will agree that, if~~
29 ~~the Commonwealth succeeds to the interest of the sublessor under~~
30 ~~the sublease, it will not terminate the sublease unless the~~

1 ~~sublessee is in default.~~

2 ~~(c) Land use restriction. All leases authorized or referred~~
3 ~~to under this section shall be made under and subject to the~~
4 ~~condition, which shall be contained in the lease documents, that~~
5 ~~no portion of the parcels shall be used as a licensed facility~~
6 ~~as defined in 4 Pa.C.S. § 1103 (relating to definitions) or any~~
7 ~~other similar type of facility authorized under the laws of this~~
8 ~~Commonwealth. This condition shall be a covenant running with~~
9 ~~the land and shall be binding upon the lessee and sublessees and~~
10 ~~their respective successors and assigns. Should any portion of~~
11 ~~any parcel authorized to be leased under this section be used in~~
12 ~~violation of this subsection, the lease shall terminate~~
13 ~~immediately.~~

14 ~~(f) Improvements.—~~

15 ~~(1) The Department of General Services, with the~~
16 ~~approval of the Attorney General, is hereby authorized to~~
17 ~~execute, on behalf of the Commonwealth of Pennsylvania, any~~
18 ~~declaration or other document necessary to submit these~~
19 ~~premises or any portion thereof and any improvements thereon~~
20 ~~to the provisions of 68 Pa.C.S. Pt. II Subpt. B (relating to~~
21 ~~condominiums) as a leasehold condominium.~~

22 ~~(2) Development of the parcels authorized to be leased~~
23 ~~in this section shall be for residential, office, commercial,~~
24 ~~condominium, hotel, marina or other uses consistent with~~
25 ~~public and maritime uses.~~

26 ~~(3) The lessee, all sublessees and their respective~~
27 ~~successors and assigns, shall provide and maintain at least~~
28 ~~the following free public access to the riverfront, for~~
29 ~~fishing and other recreation activities and free public~~
30 ~~parking in connection with such access:~~

1 ~~(i) A minimum of ten free public parking spaces~~
2 ~~available at all times located proximate to the public~~
3 ~~walkway near the water edge and signage indicating the~~
4 ~~free public parking.~~

5 ~~(ii) Public walkways on the riverfront, including~~
6 ~~water edge promenades along the entire water edge of the~~
7 ~~leasehold and adjacent to the water and providing free~~
8 ~~public access to the water and allowing for passive and~~
9 ~~active recreational activities year round and signage~~
10 ~~indicating the walkways are open to the general public.~~

11 ~~(iii) A free public park area along the public~~
12 ~~walkway near the water.~~

13 ~~(iv) Public access to the Delaware River which with~~
14 ~~the Waterfront Setback requirements set forth in Section~~
15 ~~14 216(6)(g) of the Philadelphia Code (enacted into law~~
16 ~~by an Ordinance enacting Bill No. 050465, passed by the~~
17 ~~City Council on June 16, 2005, and signed by the Mayor on~~
18 ~~July 8, 2005).~~

19 ~~(4) Should the lessee, any sublessee or any of their~~
20 ~~respective successors or assigns wish to modify the public~~
21 ~~access and parking required by this section, it must obtain~~
22 ~~the prior written approval of the Department of Environmental~~
23 ~~Protection and the Department of General Services, which~~
24 ~~approval shall not be unreasonably withheld. The public~~
25 ~~access and parking shall be completed and open to the public~~
26 ~~no later than the date the first tenant or resident occupies~~
27 ~~either the leasehold or the land adjacent to the leasehold.~~

28 ~~(5) Nothing in this section shall affect or otherwise~~
29 ~~limit the requirements of the act of November 26, 1978~~

30 ~~(P.L.1375, No.325), known as the Dam Safety and Encroachments~~

1 ~~Act, which may require further measures to provide for public~~
2 ~~access and use of the land and adjacent water.~~

3 ~~(6) The conditions contained in this subsection shall be~~
4 ~~covenants that run with the land and shall be binding upon~~
5 ~~the lessee, any sublessee and their respective successors and~~
6 ~~assigns. Should the lessee, any sublessee or any of their~~
7 ~~respective successors or assigns, permit the parcels~~
8 ~~authorized to be leased under this section, or any portion~~
9 ~~thereof, to be used in a manner inconsistent with the~~
10 ~~conditions contained in this subsection, all rights and~~
11 ~~interests in the lease authorized by this section shall~~
12 ~~terminate immediately.~~

13 ~~(g) Consideration. The Department of General Services shall~~
14 ~~lease the land within the bed of the Delaware River as described~~
15 ~~in subsection (b) for \$10 per year and upon such terms and~~
16 ~~conditions as it shall, with the concurrence of the Department~~
17 ~~of Environmental Protection, establish through the lease~~
18 ~~agreements. Such terms may include a requirement to commence and~~
19 ~~construct such improvements authorized and/or required in this~~
20 ~~section within certain time periods.~~

21 ~~(h) Costs and fees. Costs and fees incidental to the lease~~
22 ~~authorized under this section shall be borne by the lessee.~~

23 ~~(i) Sunset provision. In the event that the lease~~
24 ~~authorized by this section does not occur within 18 months~~
25 ~~following the effective date of this section, the authority~~
26 ~~contained in this section shall be void.~~

27 SECTION 2. CONVEYANCES IN PHILADELPHIA RELATING TO SLOT MACHINE <—
28 LICENSES.

29 (A) AUTHORIZATION AND DIRECTION.--THE DEPARTMENT OF GENERAL
30 SERVICES, WITH THE WRITTEN APPROVAL OF THE GOVERNOR, IS HEREBY

1 AUTHORIZED AND DIRECTED ON BEHALF OF THE COMMONWEALTH OF
2 PENNSYLVANIA TO GRANT AND CONVEY BY QUITCLAIM DEED FOR
3 CONSIDERATION UNDER SUBSECTION (D) TO EACH PERSON APPROVED FOR A
4 SLOT MACHINE LICENSE BY THE PENNSYLVANIA GAMING CONTROL BOARD
5 PURSUANT TO 4 PA.C.S. PT. II (RELATING TO GAMING) FOR A LICENSED
6 FACILITY THAT IS TO BE LOCATED IN PHILADELPHIA AND IS CONTIGUOUS
7 TO NAVIGABLE WATERS, THE LAND FURTHER DESCRIBED IN SUBSECTION
8 (B). THE CONVEYANCE SHALL BE DEEMED TO GRANT THE CONSENT OF THE
9 COMMONWEALTH TO THE LICENSEE FOR CONSTRUCTION ON THE PROPERTY
10 CONVEYED.

11 (B) DESCRIPTION.--THE LAND TO BE TRANSFERRED UNDER THIS
12 SECTION SHALL BE ALL OF THE COMMONWEALTH'S LANDS BETWEEN THE
13 LOW-WATER LINE OR THE BULKHEAD LINE AND THE ESTABLISHED PIERHEAD
14 LINE, CONSISTING OF ALL THE MUDS AND LAND CURRENTLY OR
15 PREVIOUSLY UNDER THE NAVIGABLE WATERS AND LYING ADJACENT TO THE
16 PROPERTY OWNED BY A LICENSEE TO THE WEST OF THE LOW-WATER LINE
17 OR BULKHEAD LINE, AND ALL RIPARIAN RIGHTS APPERTAINING THERETO.

18 (C) LICENSEE ELECTION OF GRANTED AREA.--UPON APPROVAL OF A
19 SLOT MACHINE LICENSE TO A GRANTEE, THE GRANTEE SHALL DELIVER TO
20 THE DEPARTMENT A COPY OF THE DEED OR OTHER DOCUMENTATION
21 EVIDENCING ITS TITLE TO THE LICENSED FACILITY AND A SURVEY AND
22 METES AND BOUNDS LEGAL DESCRIPTION OF THE LAND DESCRIBED UNDER
23 SUBSECTION (B) TO BE INCLUDED IN ITS LICENSED FACILITY.

24 (D) CONSIDERATION.--THE CONSIDERATION TO BE PAID TO THE
25 COMMONWEALTH BY THE GRANTEE FOR THE GRANTED AREA SHALL BE
26 DETERMINED BY THE DEPARTMENT WITH THE APPROVAL OF THE GOVERNOR
27 BASED ON AN APPRAISAL OF FAIR MARKET VALUE OBTAINED FROM AN
28 INDEPENDENT APPRAISER WHO IS EXPERIENCED IN APPRAISING RIPARIAN
29 INTERESTS AND COMMERCIAL REAL ESTATE IN PHILADELPHIA AND WHO IS
30 A MEMBER OF THE APPRAISAL INSTITUTE OR SIMILAR PROFESSIONAL

1 ORGANIZATION.

2 (E) DEFINITIONS.--AS USED IN THIS SECTION, THE FOLLOWING
3 WORDS AND PHRASES SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS
4 SUBSECTION:

5 "LICENSED FACILITY." AS DEFINED IN 4 PA.C.S. § 1103
6 (RELATING TO DEFINITIONS).

7 "SLOT MACHINE LICENSE." AS DEFINED IN 4 PA.C.S. § 1103.

8 Section 3. Conveyance in Strasburg Borough, Lancaster County.

9 (a) Authorization.--The Department of General Services, with
10 the approval of the Governor, is hereby authorized on behalf of
11 the Commonwealth of Pennsylvania to dedicate, grant and convey
12 to the Strasburg, Lancaster County, Borough Authority, for
13 \$1.00, a water main and appurtenances to such water main to be
14 constructed by the Department of General Services as part of
15 Project No. DGS 980-6, together with such easements as may be
16 necessary for purposes of the operation, maintenance, repair and
17 replacement of such water main and appurtenances, over, through,
18 and in certain property constituting, or adjacent to, the
19 grounds of the Railroad Museum of Pennsylvania, as described in
20 subsection (b).

21 (b) Easement.--Pursuant to subsection (a), the Department of
22 General Services is authorized to grant to the Strasburg,
23 Lancaster County, Borough Authority a permanent easement, not to
24 exceed 25 feet in width, over, through, and in the real property
25 constituting the grounds of the Railroad Museum of Pennsylvania,
26 consisting of the real property acquired by the General State
27 Authority pursuant to deeds recorded at the Office of the
28 Recorder of Deeds of Lancaster County at Deed Book W, Volume 56,
29 Page 212, Deed Book O, Volume 60, Page 527, and Deed Book D,
30 Volume 57, Page 123. The Department of General Services is

1 further authorized to transfer, convey or assign to the
2 Strasburg, Lancaster County, Borough Authority any easement
3 acquired by the Department of General Services as part of
4 Project No. DGS 980-6 for purposes of the construction,
5 operation, maintenance, repair, and replacement of the water
6 main and appurtenances.

7 All of the above described easements to be used for purposes
8 of the operation, maintenance, repair, and replacement of the
9 water main and appurtenances to be construed by the Department
10 of General Services as part of Project No. DGS 980-6.

11 (c) Execution of deed of easement.--Any deed or other
12 conveyance document executed pursuant to this section shall be
13 executed by the Secretary of General Services in the name of the
14 Commonwealth of Pennsylvania.

15 (d) Covenant.--Any deed conveying an easement over, through,
16 and in the grounds of the Railroad Museum of Pennsylvania shall
17 contain a covenant requiring the Grantee to repair, to the
18 satisfaction of the Commonwealth of Pennsylvania, any damage to
19 the easement area caused by the Grantee's operation,
20 maintenance, repair, or replacement of said water main and
21 appurtenances.

22 (e) Additional easements and licenses.--The Department of
23 General Services is further authorized to transfer and convey,
24 with the approval of the Governor, any easements or licenses
25 necessary to provide the Railroad Museum of Pennsylvania with
26 access to public sewer service. Access to public sewer service
27 may be provided by means of a connection to privately owned
28 sewer facilities.

29 (f) Costs.--Costs and fees incidental to the conveyances
30 authorized by section 1 shall be borne by the Commonwealth of

1 Pennsylvania.

2 Section 4. Conveyance in Mansfield Borough, Tioga County.

3 (a) Authorization.--The Department of General Services, with
4 the approval of the Governor and the Department of Military and
5 Veterans Affairs, is authorized and directed on behalf of the
6 Commonwealth of Pennsylvania to grant and convey to the Borough
7 of Mansfield certain land situate in the Borough of Mansfield,
8 Tioga County for fair market value as determined by independent
9 appraisal.

10 (b) Description.--The property to be conveyed pursuant to
11 subsection (a) consists of approximately 1.23 acres and an
12 armory building bounded and more particularly described as
13 follows:

14 BEGINNING at a point at the western edge of the now or late
15 Erie Railroad Company right-of-way, the Southeast corner of land
16 of the now or late Mansfield Joint School Authority and the
17 Northeast corner of land of the now or late Mansfield School
18 District, the POINT OF BEGINNING; thence South 77 degrees 50
19 minutes West along lands of the now or late Mansfield School
20 District, a distance of 273.67 feet to a point, the Southwest
21 corner hereof; thence North 13 degrees 30 minutes West along
22 lands of the now or late Mansfield Joint School Authority, a
23 distance of 252.25 feet to a point, the Northwest corner hereof;
24 thence North 76 degrees 30 minutes East along lands of the now
25 or late Mansfield Joint School Authority a distance of 153.00
26 feet to a point at the western edge of the now or late Erie
27 Railroad Company right-of-way, the Northeast corner hereof;
28 thence along the said Railroad Company right-of-way, South 27
29 degrees 48 minutes East, a distance of 12.00 feet to a point;
30 thence South 38 degrees 55 minutes East along said Railroad

1 Company right-of-way, a distance of 272.25 feet to a point, the
2 place of beginning.

3 CONTAINING 1.23 acres more or less.

4 (c) Easements.--The conveyance shall be made under and
5 subject to all lawful and enforceable easements, servitudes and
6 rights of others, including streets, roadways and rights of any
7 telephone, telegraph, water, electric, gas or pipeline
8 companies, as well as under the subject to any lawful and
9 enforceable estates or tenancies vested in third persons
10 appearing of record, for any portion of the land or improvements
11 erected on the land.

12 (d) Use restriction.--Any conveyance authorized under this
13 section shall be made under and subject to the condition, which
14 shall be contained in the deed of conveyance, that no portion of
15 the property conveyed shall be used as a licensed facility as
16 defined in 4 Pa.C.S. § 1103 (relating to definitions) or any
17 other similar type of facility authorized under State law. The
18 condition shall be a covenant running with the land and shall be
19 binding upon the Grantee, its successors and assigns. If the
20 Grantee, its successors or assigns, permits any portion of the
21 property authorized to be conveyed in this section to be used in
22 violation of this subsection, the title shall immediately revert
23 to and revest in the Grantor.

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

27 (f) Costs and fees.--Costs and fees incidental to this
28 conveyance shall be borne by the Grantee.

29 (g) Proceeds.--The proceeds from the conveyance shall be
30 deposited in the State Treasury Armory Fund.

1 (h) Alternate disposition.--In the event that this
2 conveyance is not executed within 12 months of the effective
3 date of this section, the property may be disposed of in
4 accordance with section 2406-A of the act of April 9, 1929
5 (P.L.177, No.175), known as The Administrative Code of 1929.

6 SECTION 4.1. SEVERABILITY. ←

7 THE PROVISIONS OF THIS ACT ARE SEVERABLE. IF ANY PROVISION OF
8 THIS ACT OR ITS APPLICATION TO ANY PERSON OR CIRCUMSTANCE IS
9 HELD INVALID, THE INVALIDITY SHALL NOT AFFECT OTHER PROVISIONS
10 OR APPLICATIONS OF THIS ACT WHICH CAN BE GIVEN EFFECT WITHOUT
11 THE INVALID PROVISION OR APPLICATION.

12 Section 5. This act shall take effect immediately.