

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL**No. 33**Session of
2007

INTRODUCED BY GEORGE AND SURRA, JANUARY 30, 2007

REFERRED TO COMMITTEE ON STATE GOVERNMENT, JANUARY 30, 2007

AN ACT

1 Authorizing and directing the Department of General Services,
2 with the approval of the Department of Conservation and
3 Natural Resources and the Governor, to lease to Pine
4 Township, Clearfield County, a certain tract of land situate
5 in Pine Township, Clearfield County, for a consideration of
6 \$1.

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

9 Section 1. Pine Township, Clearfield County.

10 (a) Authorization and description.--The Department of
11 General Services, with the approval of the Department of
12 Conservation and Natural Resources and the Governor, is hereby
13 authorized and directed on behalf of the Commonwealth of
14 Pennsylvania to lease and convey to Pine Township, Clearfield
15 County, the tract of land bounded and described as follows:

16 All that certain lot, piece or parcel of land situated in the
17 Township of Pine, County of Clearfield, Commonwealth of
18 Pennsylvania, bounded and described as follows:

19 Beginning at a point, said point being a 5/8 inch iron pin

1 with yellow plastic cap, located S 68 degrees 52 minutes 59
2 seconds W, 72.94 feet from United Electric Cooperative power
3 pole no.2, located along the northern side of a certain Bureau
4 of Forestry road, know as the Four Mile Road; thence running
5 along the Four Mile Road, approximately 25 feet from the
6 centerline thereof, N 63 degrees 52 minutes 12 seconds E, 436.88
7 feet to a 5/8 inch iron pin with yellow plastic cap; thence N 20
8 degrees 05 minutes 34 seconds W, 367.49 feet to a 5/8 inch iron
9 pin with yellow plastic cap; thence S 64 degrees 44 minutes 11
10 seconds W, 151.49 feet to a 5/8 inch iron pin with yellow
11 plastic cap; thence S 15 degrees 15 minutes 24 seconds W, 490.15
12 feet to a 5/8 inch iron pin with yellow plastic cap, the place
13 of beginning.

14 Containing 108,051.926 square feet, or 2.481 acres, surveyed,
15 and situated within the confines of a certain original tract of
16 land warranted to James Moore and Daniel Delany, No. 5679.

17 Being a portion of the third described parcel of land as
18 contained in that certain deed from Cyrus Gordon and Mary R. W.
19 Gordon, his wife, to the Commonwealth of Pennsylvania, dated
20 August 4, 1906 and recorded in the Office of the Recorder of
21 Deeds of Clearfield County, Pennsylvania, in Deed Book 159, Page
22 253.

23 (b) Easements.--Lease of the land described in subsection
24 (a) shall be made under and subject to all easements, servitudes
25 and rights of others, including, but not confined to, streets,
26 roadways and rights of telephone, telegraph, water, electric,
27 sewer, gas or pipeline companies, as well as under and subject
28 to any interest, estates or tenancies vested in third persons,
29 appearing of record, for any portion of the land or improvements
30 erected thereon.

1 (c) Restrictions.--The lease shall be under and subject to
2 the following conditions, which shall be contained in the lease:

3 (1) The term of this lease shall be for one year and
4 shall be automatically renewed from year to year thereafter,
5 for a period not to exceed 99 years, unless terminated by
6 either party with six months' prior notice or as otherwise
7 stated in the lease, for a consideration of \$1 per year.

8 (2) The property shall be used for township purposes and
9 should Pine Township or its successor in function cease such
10 use, the lease shall automatically be terminated.

11 (3) The property shall not be used as a municipal waste
12 transfer station. Any facilities on the property used as or
13 for township recycling shall be screened from view or
14 incorporated inside a structure on the property.

15 (4) The Department of Conservation and Natural
16 Resources, with the concurrence of the Department of General
17 Services, reserves the right to receive, review and comment
18 on all designs to make improvements to the property. The
19 departments shall have a 60-day period for review and
20 comment.

21 (d) Land use restriction.--All leases authorized or referred
22 to under this act shall be made under and subject to the
23 condition, which shall be contained in the lease documents, that
24 no portion of the parcels shall be used as a licensed facility,
25 as defined in 4 Pa.C.S. § 1103 (relating to definitions), or any
26 other similar type of facility authorized under the laws of this
27 Commonwealth. The condition shall be a covenant running with the
28 land and shall be binding upon the lessee and sublessees and
29 their respective successors and assigns. Should any portion of
30 any parcel authorized to be leased under this act be used in

1 violation of this subsection, the lease shall terminate
2 immediately.

3 (e) Execution.--The lease of the property described in
4 subsection (a) shall be approved as provided by law and shall be
5 executed by the Secretary of General Services with the approval
6 of the Department of Conservation and Natural Resources in the
7 name of the Commonwealth of Pennsylvania.

8 (f) Costs and fees.--Costs and fees incidental to the lease
9 in section 1 shall be borne by Pine Township.

10 Section 2. Effective date.

11 This act shall take effect in 60 days.