

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2158 Session of 2008

INTRODUCED BY SIPTROTH, PEIFER, BEYER, BRENNAN, CALTAGIRONE, CARROLL, CREIGHTON, DENLINGER, FLECK, GRUCELA, HARRIS, HELM, HERSHEY, HESS, KENNEY, MAHONEY, MAJOR, MENSCH, MILLARD, PRESTON, SANTONI, SAYLOR, SCAVELLO, SURRA, VULAKOVICH, MURT, YOUNGBLOOD, MOYER, PHILLIPS, HORNAMAN, KULA AND MANTZ, JANUARY 14, 2008

AS REPORTED FROM COMMITTEE ON STATE GOVERNMENT, HOUSE OF REPRESENTATIVES, AS AMENDED, JUNE 2, 2008

AN ACT

1 Authorizing the Department of General Services, with the  
2 approval of the Department of Transportation and the  
3 Governor, to grant and convey to Pike County or its assigns,  
4 certain lands, situate in the Borough of Milford, Pike  
5 County, in exchange for a certain tract of land.

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

8 Section 1. Authorization for conveyance from the Commonwealth.

9 The Department of General Services, with the approval of the  
10 Department of Transportation and the Governor, is hereby  
11 authorized on behalf of the Commonwealth of Pennsylvania to  
12 grant and convey to Pike County certain land and improvements  
13 described in section 2.

14 Section 2. Description.

15 The property to be conveyed under section 1 consists of three  
16 tracts containing in aggregate 3.319-acres more or less and  
17 improvements known as the Pennsylvania Department of

1 Transportation Pike County Maintenance Facility in the Borough  
2 of Milford, Pike County, Pennsylvania, more particularly bounded  
3 and described as follows:

4 Parcel 1.

5 BEGINNING at a point, said point being in legal right-of-way  
6 line offset at right angle 50 feet from tangent of point of  
7 curve Station 25+37.54 on L.R. 8 (Traffic Route 6); thence along  
8 same right-of-way line on a curve to the right an arc distance  
9 179.90 feet, south 88 degrees, 55 minutes, 41 seconds east a  
10 distance of 179.77 feet to a point; thence along Bennett Street  
11 south 34 degrees, 13 minutes, 00 seconds east a distance of  
12 72.78 feet to a point; thence along lands now or formerly of Sam  
13 Schouppe south 55 degrees, 47 minutes 00 seconds west a distance  
14 of 204.80 feet to point; thence along lands now or formerly of  
15 Norman Lehde north 18 degrees, 50 minutes, 00 seconds west a  
16 distance of 43.40 feet to a point; thence along same lands of  
17 Norman Lehde north 15 degrees, 10 minutes 00 seconds west a  
18 distance of 142.60 feet to place of beginning. Containing 0.5504  
19 acres of land, more or less.

20 Parcel 2.

21 BEGINNING at a point, said point being south 53 degrees 36  
22 minutes west 200 feet from the southeasterly side of Bennett  
23 Avenue; on the line of lands between Pennsylvania Department of  
24 Highways and C. Koenderman, et ux; thence south 36 degrees 24  
25 minutes east 110 feet to a point. Said point being on dividing  
26 line of lands of E. Roberts and C. Koenderman, et ux; thence  
27 along said dividing line south 53 degrees 36 minutes west 110.8  
28 feet to a point; thence north 49 degrees 30 minutes west 43.2  
29 feet to a point; thence north 64 degrees 15 minutes west 77.53  
30 feet to a point on the line of lands between Pennsylvania

1 Department of Highways and C. Koenderman, et ux; thence along  
2 said dividing line of lands north 53 degrees 36 minutes east  
3 157.54 feet to a point. Said point being the place of BEGINNING.  
4 CONTAINING .336 acres of land, more or less.

5 Parcel 3.

6 BEGINNING at a stone monument set in the ground marking the  
7 westerly side of Elizabeth Street and the center line of Broad  
8 Street, as shown by the official map of the Borough of Milford,  
9 thence at right angles to the center line of Broad Street, south  
10 thirty-eight degrees E. forty (40.0) feet; thence, south, twelve  
11 degrees, thirty-seven minutes east seventy-seven and twenty-two  
12 hundredths (77.22) feet, thence, south twenty-three degrees and  
13 thirty-six minutes east forty-five (45.0) feet, thence south  
14 seven degrees and fifty minutes east one hundred forty and  
15 twenty-five hundredths (140.25) feet, thence south seventeen  
16 degrees and forty-five minutes east one hundred forty-eight and  
17 fifty hundredths (148.50) feet, thence south twenty-one degrees,  
18 east eighty-two and fifty hundredths (82.50) feet, thence, south  
19 seven degrees, forty-five minutes east, forty-nine and fifty  
20 hundredths (49.50) feet, thence south nine degrees and thirty-  
21 minutes west, twenty-nine and twenty-five hundredths (29.25)  
22 feet to a concrete monument and the beginning point for the land  
23 hereby intended to be conveyed, thence along lands of Nell Quick  
24 Wells, north fifty-three degrees, thirty-five minutes and  
25 twenty-three seconds east, two hundred fifty-nine and sixty-  
26 eight hundredths (259.68) feet to a concrete monument on the  
27 westerly side of Bennett Avenue, thence along the westerly side  
28 of Bennett Avenue, south thirty-six degrees, twenty-four minutes  
29 and thirty-seven seconds, east, three hundred feet (300.00) to a  
30 concrete monument; thence at right angles along lands of Nell

1 Quick Wells, south fifty-three degrees thirty-five minutes and  
2 twenty-three seconds west, three hundred fifty-seven and fifty-  
3 four hundredths (357.54) feet to a concrete monument on line of  
4 lands of Brown Estate; thence along said lands north sixty-four  
5 degrees and thirty minutes west, eighty-seven and forty-seven  
6 hundredths (87.47) feet to a stake; thence north nineteen  
7 degrees west, one hundred thirty-two (132.0) feet to a stake;  
8 thence north nine degrees and thirty minutes east one hundred  
9 thirty-nine and five hundredths (139.05) feet to a concrete  
10 monument and place of beginning. CONTAINING TWO AND FORTY-SEVEN  
11 ONE HUNDREDTHS ACRES, be the same more or less.

12 Section 3. Conveyance to the Commonwealth.

13 The conveyance authorized under section 1 shall be made in  
14 exchange for the conveyance, by special warranty deed, from Pike  
15 County to the Commonwealth of Pennsylvania, acting by and  
16 through its Department of General Services, of all that certain  
17 piece of land located in Blooming Grove Township, Pike County,  
18 Pennsylvania, situated at the northwest corner of the  
19 intersection of the county prison access road and Route 739,  
20 containing 13.5-acres more or less, substantially as shown on  
21 the "Stockpile Survey Plan" prepared by the Pennsylvania  
22 Department of Transportation, dated May 25, 2004, with a metes  
23 and bounds description to be provided by a Professional Land  
24 Surveyor duly licensed in accordance with the laws of this  
25 Commonwealth.

26 Section 4. Conditions.

27 The conveyance authorized under section 1 shall be made under  
28 and subject to all lawful and enforceable easements, servitudes  
29 and rights of others, including, but not limited to, streets,  
30 roadways and any rights of any telephone, telegraph, water,

1 electric, gas or pipeline companies, as well as under and  
2 subject to any lawful and enforceable estates or tenancies  
3 vested in third persons appearing of record, for any portion of  
4 the land or improvements erected thereon.

5 SECTION 5. RESTRICTION. ←

6 THE CONVEYANCE AUTHORIZED UNDER THIS ACT SHALL BE MADE UNDER  
7 AND SUBJECT TO THE CONDITION, WHICH SHALL BE CONTAINED IN THE  
8 DEED OF CONVEYANCE, THAT NO PORTION OF THE PROPERTY CONVEYED  
9 SHALL BE USED AS A LICENSED FACILITY, AS DEFINED IN 4 PA.C.S. §  
10 1103 (RELATING TO DEFINITIONS), OR ANY OTHER SIMILAR TYPE OF  
11 FACILITY AUTHORIZED UNDER STATE LAW. 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 TO BE USED IN VIOLATION OF  
16 THIS SECTION, THE TITLE SHALL IMMEDIATELY REVERT TO AND REVEST  
17 IN THE GRANTOR.

18 Section 5 6. Deed of conveyance. ←

19 The deed of conveyance authorized under section 1 shall be a  
20 special warranty deed and shall be executed by the Secretary of  
21 General Services in the name of the Commonwealth of  
22 Pennsylvania.

23 Section 6 7. Costs. ←

24 Each party shall bear its own fees and costs incidental to  
25 these conveyances.

26 Section 7 8. Effective date. ←

27 This act shall take effect immediately.