

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 810 Session of 2007

INTRODUCED BY MUSTO, APRIL 27, 2007

AS REPORTED FROM COMMITTEE ON STATE GOVERNMENT, HOUSE OF REPRESENTATIVES, AS AMENDED, JULY 13, 2007

AN ACT

1 Authorizing and directing the Department of General Services,
 2 with the approval of the Governor, to grant and convey
 3 certain lands situate in the City of Pittston, Luzerne
 4 County, to the Redevelopment Authority of the City of
 5 Pittston; AND AUTHORIZING THE DEPARTMENT OF GENERAL SERVICES, <—
 6 WITH THE APPROVAL OF THE GOVERNOR, TO GRANT AND CONVEY TO
 7 BENSALEM TOWNSHIP, CERTAIN LANDS SITUATE IN BENSALEM
 8 TOWNSHIP, BUCKS COUNTY.

9 The General Assembly of the Commonwealth of Pennsylvania
 10 hereby enacts as follows:

11 Section 1. Conveyance IN CITY OF PITTSTON, LUZERNE COUNTY. <—

12 (A) AUTHORIZATION.--The Department of General Services, with <—
 13 the approval of the Governor, is hereby authorized and directed
 14 on behalf of the Commonwealth of Pennsylvania to grant and
 15 convey, for fair market value as determined by an independent
 16 appraisal, the following tract of land together with any
 17 buildings, structures or improvements thereon, situate in the
 18 City of Pittston, Luzerne County, Pennsylvania, to the
 19 Redevelopment Authority of the City of Pittston.

1 ~~Section 2. Description.~~

<—

2 ~~The property to be conveyed pursuant to section 1 consists of~~

3 (B) DESCRIPTION.--THE PROPERTY TO BE CONVEYED PURSUANT TO

<—

4 THIS SECTION CONSISTS OF approximately 22,111 square feet or

5 0.51-acres and a one-story office building bounded and more

6 particularly described as follows:

7 BEGINNING at a corner in the westerly right-of-way of proposed

8 State Highway where said right-of-way is intersected by the

9 southerly sideline of Dock Street if extended:

10 THENCE along said right-of-way on a curve to the left having a

11 radius of five thousand seven hundred fifty-four and sixty-five

12 hundredths (5,754.65) an arc length of eighty-four and fifty-

13 three hundredths (84.53) feet and having a chord on a bearing of

14 south thirty-three degrees, forty-nine minutes west, eighty-four

15 and fifty-two hundredths (84.52) feet to a corner;

16 THENCE north fifty-nine degrees thirty minutes west, one hundred

17 sixty-three and forty-eight hundredths (163.48) feet to a corner

18 in the easterly right-of-way of Lehigh Valley Railroad Company;

19 THENCE along said easterly right-of-way of Lehigh Valley

20 Railroad Company north fifty-four degrees twenty-three minutes

21 east, ninety-two and twenty-eight hundredths (92.28) feet to a

22 corner;

23 THENCE continuing along same north fifty-nine degrees thirty

24 minutes west, two and seventy-one hundredths (2.71) feet to a

25 corner in right-of-way line of Lehigh Valley Railroad Company;

26 THENCE along the said right-of-way of said Lehigh Valley

27 Railroad Company, north forty-seven degrees forty-five minutes

28 east, eighty-one (81) feet to a corner of lands of Insalaco

29 Brothers;

30 THENCE along lands of Insalaco Brothers, south fifty-nine

1 degrees thirty minutes east, one hundred fifteen and twenty-
2 seven hundredths (115.27) feet to a corner in the said westerly
3 right-of-way of proposed State Highway;
4 THENCE along said proposed State Highway right-of-way on a curve
5 to the left having a radius of five thousand seven hundred
6 fifty-four and sixty-five hundredths (5,754.65) feet an arc
7 length of seventy-seven and fifty-six hundredths (77.56) feet
8 and having a chord on a bearing of south thirty-four degrees
9 thirty-seven minutes west, seventy-seven and fifty-six
10 hundredths (77.56) feet to the point of beginning.

11 CONTAINING 0.51-acres more or less.

12 ~~Section 3. Easements.~~

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

21 ~~Section 4. Deed of conveyance.~~

22 (D) LAND USE RESTRICTION.--Any conveyance authorized under
23 this ~~act~~ SECTION shall be made under and subject to the
24 condition, which shall be contained in the deed of conveyance,
25 that no portion of the property conveyed shall be used as a
26 licensed facility, as defined in 4 Pa.C.S. § 1103 (relating to
27 definitions), or any other similar type facility authorized
28 under State law. The condition shall be a covenant running with
29 the land and shall be binding upon the grantee, its successors
30 and assigns. Should the grantee, its successors or assigns,

1 permit any portion of the property authorized to be conveyed in
2 this ~~act~~ SECTION to be used in violation of this subsection, the <—
3 title shall immediately revert to and revest in the grantor.

4 ~~Section 5. Special warranty deed.~~ <—

5 (E) DEED OF CONVEYANCE.--The deed of conveyance shall be by <—
6 special warranty deed and shall be executed by the Secretary of
7 General Services in the name of the Commonwealth of
8 Pennsylvania.

9 ~~Section 6. Costs and fees.~~ <—

10 (F) COSTS AND FEES.--Costs and fees incidental to this <—
11 conveyance shall be borne by the grantee.

12 ~~Section 7. Limitation.~~ <—

13 (G) ALTERNATE DISPOSAL OF PROPERTY.--In the event the <—
14 conveyance is not executed within six months of the effective
15 date of this ~~act~~ SECTION, the Department of General Services may <—
16 dispose of the property in accordance with section 2406-A of the
17 act of April 9, 1929 (P.L.177, No.175), known as The
18 Administrative Code of 1929.

19 SECTION 2. BENSLEM TOWNSHIP, BUCKS COUNTY. <—

20 (A) AUTHORIZATION.--THE DEPARTMENT OF GENERAL SERVICES, WITH
21 THE APPROVAL OF THE GOVERNOR, IS HEREBY AUTHORIZED ON BEHALF OF
22 THE COMMONWEALTH OF PENNSYLVANIA TO GRANT AND CONVEY TO BENSLEM
23 TOWNSHIP CERTAIN LANDS, AND ALL IMPROVEMENTS THEREON, SITUATE IN
24 BENSLEM TOWNSHIP, BUCKS COUNTY UNDER TERMS AND CONDITIONS TO BE
25 ESTABLISHED IN AN AGREEMENT OF SALE WITH THE DEPARTMENT OF
26 GENERAL SERVICES.

27 (B) DESCRIPTION.--THE PROPERTY TO BE CONVEYED PURSUANT TO
28 THIS SECTION CONSISTS OF APPROXIMATELY 15 ACRES, AND ALL
29 IMPROVEMENTS THEREON, BOUNDED AND MORE PARTICULARLY DESCRIBED AS
30 FOLLOWS:

1 BEGINNING AT A POINT AT THE INTERSECTION OF NEW ROAD AND
2 NESHAMINY BOULEVARD IN BENSALEM TOWNSHIP, BUCKS COUNTY,
3 PENNSYLVANIA; THENCE EXTENDING FROM THE POINT OF BEGINNING SOUTH
4 61 DEGREES, 58 MINUTES WEST 506.04 FEET ALONG NESHAMINY
5 BOULEVARD TO A POINT; THENCE EXTENDING SOUTH 61 DEGREES 35
6 MINUTES, 25 SECONDS EAST 106.36 FEET ALONG NESHAMINY BOULEVARD;
7 THENCE EXTENDING SOUTH 52 DEGREES 45 MINUTES WEST 459.03 FEET
8 ALONG NESHAMINY BOULEVARD TO A POINT; THENCE EXTENDING NORTH 28
9 DEGREES 38 MINUTES WEST 636.67 FEET TO A POINT; THENCE EXTENDING
10 NORTH 2 DEGREES 16 MINUTES EAST 228.05 FEET TO A POINT ALONG
11 ROUTE 1; THENCE EXTENDING NORTH 34 DEGREES 30 MINUTES EAST 298
12 FEET ALONG THE SOUTHEAST SIDE OF U.S. ROUTE 1; THENCE EXTENDING
13 NORTH 29 DEGREES 38 MINUTES EAST 74.07 FEET ALONG THE SOUTHEAST
14 SIDE OF U.S. ROUTE 1; THENCE EXTENDING NORTH 34 DEGREES 30
15 MINUTES EAST 50.03 FEET ALONG THE SOUTHEAST SIDE OF U.S. ROUTE 1
16 TO A POINT ON NEW ROAD; THENCE EXTENDING SOUTH 53 DEGREES 5
17 MINUTES WEST 340 FEET TO A POINT; THENCE EXTENDING SOUTH 52
18 DEGREES 29 MINUTES EAST 770 FEET ALONG NEW ROAD TO THE
19 INTERSECTION OF NESHAMINY BOULEVARD, THE PLACE OF BEGINNING.

20 CONTAINING 15-ACRES, MORE OR LESS.

21 EXCEPTING AND RESERVING ALL THAT CERTAIN PARCEL OF REAL
22 ESTATE AS REQUIRED BY THE PENNSYLVANIA DEPARTMENT OF
23 TRANSPORTATION FOR A HIGHWAY IMPROVEMENT PROJECT ENTITLED "SR
24 0001 SEC. 03S: SR 1 RECONSTRUCTION AND WIDENING PROJECT REQUIRED
25 AREA FOR PA TURNPIKE RAMP RECONSTRUCTION". THE PROPERTY
26 PRELIMINARILY DETERMINED TO BE REQUIRED FOR THIS PROJECT IS
27 SHOWN AS "AREA REQUIRED FOR NEW RAMP CONSTRUCTION" ON A PLAN
28 PREPARED BY THE PENNSYLVANIA DEPARTMENT OF TRANSPORTATION TITLED
29 "SR 0001 SEC. 03S: SR 1 RECONSTRUCTION AND WIDENING PROJECT
30 REQUIRED AREA FOR PA TURNPIKE RAMP RECONSTRUCTION", WHICH IS ON

1 FILE WITH THE DEPARTMENT OF GENERAL SERVICES. THE FINAL LEGAL
2 DESCRIPTION AND ACREAGE OF THE PROPERTY TO BE CONVEYED (LESS THE
3 PROPERTY TO BE EXCEPTED AND RESERVED FOR THE PA DEPARTMENT OF
4 TRANSPORTATION USE, AS AFORESAID) SHALL BE DETERMINED BY A
5 PENNSYLVANIA LICENSED LAND SURVEYOR PRIOR TO CONVEYANCE.)

6 (C) CONDITIONS.--THE CONVEYANCE SHALL BE MADE UNDER AND
7 SUBJECT TO ALL LAWFUL AND ENFORCEABLE EASEMENTS, SERVITUDES AND
8 RIGHTS OF OTHERS, INCLUDING BUT NOT CONFINED TO STREETS,
9 ROADWAYS AND RIGHTS OF ANY TELEPHONE, TELEGRAPH, WATER,
10 ELECTRIC, GAS OR PIPELINE COMPANIES, AS WELL AS UNDER AND
11 SUBJECT TO ANY LAWFUL AND ENFORCEABLE ESTATES OR TENANCIES
12 VESTED IN THIRD PERSONS APPEARING OF RECORD, FOR ANY PORTION OF
13 THE LAND OR IMPROVEMENTS ERECTED THEREON.

14 (D) LAND USE RESTRICTION.--ANY CONVEYANCE AUTHORIZED UNDER
15 THIS SECTION SHALL BE MADE UNDER AND SUBJECT TO THE CONDITION,
16 WHICH SHALL BE CONTAINED IN THE DEED OF CONVEYANCE, THAT NO
17 PORTION OF THE PROPERTY CONVEYED SHALL BE USED AS A LICENSED
18 FACILITY, AS DEFINED IN 4 PA.C.S. § 1103 (RELATING TO
19 DEFINITIONS), OR ANY OTHER SIMILAR TYPE OF FACILITY AUTHORIZED
20 UNDER STATE LAW. THE CONDITION SHALL BE A COVENANT RUNNING WITH
21 THE LAND AND SHALL BE BINDING UPON THE GRANTEE, ITS SUCCESSORS
22 AND ASSIGNS. SHOULD THE GRANTEE, ITS SUCCESSORS OR ASSIGNS,
23 PERMIT ANY PORTION OF THE PROPERTY AUTHORIZED TO BE CONVEYED IN
24 THIS SECTION TO BE USED IN VIOLATION OF THIS SUBSECTION, THE
25 TITLE SHALL IMMEDIATELY REVERT TO AND REVEST IN THE GRANTOR.

26 (E) DEED.--THE DEED OF CONVEYANCE SHALL BE BY SPECIAL
27 WARRANTY DEED AND SHALL BE EXECUTED BY THE SECRETARY OF GENERAL
28 SERVICES IN THE NAME OF THE COMMONWEALTH OF PENNSYLVANIA.

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

1 (G) ALTERNATE DISPOSAL OF PROPERTY.--IN THE EVENT THAT THE
2 GRANTEE AND THE DEPARTMENT OF GENERAL SERVICES CANNOT REACH A
3 MUTUALLY ACCEPTABLE AGREEMENT OF SALE WITHIN 12 MONTHS OF THE
4 EFFECTIVE DATE OF THIS SECTION, THE PROPERTY MAY BE DISPOSED OF
5 IN ACCORDANCE WITH ARTICLE XXIV-A OF THE ACT OF APRIL 9, 1929
6 (P.L.177, NO.175), KNOWN AS THE ADMINISTRATIVE CODE OF 1929.

7 Section & 3. Effective date.

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8 This act shall take effect immediately.