

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 810 Session of 2007

INTRODUCED BY MUSTO, APRIL 27, 2007

SENATE AMENDMENTS TO HOUSE AMENDMENTS, APRIL 9, 2008

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
6 Services, with the approval of the Governor, to grant and
7 convey to Bensalem Township, certain lands situate in
8 Bensalem Township, Bucks County.

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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.

20 (b) Description.--The property to be conveyed pursuant to

1 this section consists of approximately 22,111 square feet or  
2 0.51-acres and a one-story office building bounded and more  
3 particularly described as follows:

4 BEGINNING at a corner in the westerly right-of-way of proposed  
5 State Highway where said right-of-way is intersected by the  
6 southerly sideline of Dock Street if extended:

7 THENCE along said right-of-way on a curve to the left having a  
8 radius of five thousand seven hundred fifty-four and sixty-five  
9 hundredths (5,754.65) an arc length of eighty-four and fifty-  
10 three hundredths (84.53) feet and having a chord on a bearing of  
11 south thirty-three degrees, forty-nine minutes west, eighty-four  
12 and fifty-two hundredths (84.52) feet to a corner;

13 THENCE north fifty-nine degrees thirty minutes west, one hundred  
14 sixty-three and forty-eight hundredths (163.48) feet to a corner  
15 in the easterly right-of-way of Lehigh Valley Railroad Company;

16 THENCE along said easterly right-of-way of Lehigh Valley  
17 Railroad Company north fifty-four degrees twenty-three minutes  
18 east, ninety-two and twenty-eight hundredths (92.28) feet to a  
19 corner;

20 THENCE continuing along same north fifty-nine degrees thirty  
21 minutes west, two and seventy-one hundredths (2.71) feet to a  
22 corner in right-of-way line of Lehigh Valley Railroad Company;

23 THENCE along the said right-of-way of said Lehigh Valley  
24 Railroad Company, north forty-seven degrees forty-five minutes  
25 east, eighty-one (81) feet to a corner of lands of Insalaco  
26 Brothers;

27 THENCE along lands of Insalaco Brothers, south fifty-nine  
28 degrees thirty minutes east, one hundred fifteen and twenty-  
29 seven hundredths (115.27) feet to a corner in the said westerly  
30 right-of-way of proposed State Highway;

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

8 CONTAINING 0.51-acres more or less.

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

17 (d) Land use restriction.--Any conveyance authorized under  
18 this section shall be made under and subject to the condition,  
19 which shall be contained in the deed of conveyance, that no  
20 portion of the property conveyed shall be used as a licensed  
21 facility, as defined in 4 Pa.C.S. § 1103 (relating to  
22 definitions), or any other similar type facility authorized  
23 under State law. The condition shall be a covenant running with  
24 the land and shall be binding upon the grantee, its successors  
25 and assigns. Should the grantee, its successors or assigns,  
26 permit any portion of the property authorized to be conveyed in  
27 this section to be used in violation of this subsection, the  
28 title shall immediately revert to and revest in the grantor.

29 (e) Deed of conveyance.--The deed of conveyance shall be by  
30 special warranty deed and shall be executed by the Secretary of

1 General Services in the name of the Commonwealth of  
2 Pennsylvania.

3 (f) Costs and fees.--Costs and fees incidental to this  
4 conveyance shall be borne by the grantee.

5 (g) Alternate disposal of property.--In the event the  
6 conveyance is not executed within six months of the effective  
7 date of this section, the Department of General Services may  
8 dispose of the property in accordance with section 2406-A of the  
9 act of April 9, 1929 (P.L.177, No.175), known as The  
10 Administrative Code of 1929.

11 ~~Section 2. Bensalem Township, Bucks County.~~ <—

12 ~~(a) Authorization. The Department of General Services, with~~  
13 ~~the approval of the Governor, is hereby authorized on behalf of~~  
14 ~~the Commonwealth of Pennsylvania to grant and convey to Bensalem~~  
15 ~~Township certain lands, and all improvements thereon, situate in~~  
16 ~~Bensalem Township, Bucks County under terms and conditions to be~~  
17 ~~established in an agreement of sale with the Department of~~  
18 ~~General Services.~~

19 ~~(b) Description. The property to be conveyed pursuant to~~  
20 ~~this section consists of approximately 15 acres, and all~~  
21 ~~improvements thereon, bounded and more particularly described as~~  
22 ~~follows:~~

23 ~~BEGINNING at a point at the intersection of New Road and~~  
24 ~~Neshaminy Boulevard in Bensalem Township, Bucks County,~~  
25 ~~Pennsylvania; thence extending from the point of BEGINNING South~~  
26 ~~61 degrees, 58 minutes West 506.04 feet along Neshaminy~~  
27 ~~Boulevard to a point; thence extending South 61 degrees 35~~  
28 ~~minutes, 25 seconds East 106.36 feet along Neshaminy Boulevard;~~  
29 ~~thence extending South 52 degrees 45 minutes West 459.03 feet~~  
30 ~~along Neshaminy Boulevard to appoint; thence extending North 28~~

1 ~~degrees 38 minutes West 636.67 feet to a point; thence extending~~  
2 ~~North 2 degrees 16 minutes East 228.05 feet to a point along~~  
3 ~~Route 1; thence extending North 34 degrees 30 minutes East 298~~  
4 ~~feet along the southeast side of U.S. Route 1; thence extending~~  
5 ~~North 29 degrees 38 minutes East 74.07 feet along the southeast~~  
6 ~~side of U.S. Route 1; thence extending North 34 degrees 30~~  
7 ~~minutes East 50.03 feet along the southeast side of U.S. Route 1~~  
8 ~~to a point on New Road; thence extending South 53 degrees 5~~  
9 ~~minutes West 340 feet to a point; thence extending South 52~~  
10 ~~degrees 29 minutes East 770 feet along New Road to the~~  
11 ~~intersection of Neshaminy Boulevard, the place of BEGINNING.~~

12 ~~CONTAINING 15 acres, more or less.~~

13 ~~EXCEPTING AND RESERVING all that certain parcel of real~~  
14 ~~estate as required by the Pennsylvania Department of~~  
15 ~~Transportation for a highway improvement project entitled "SR~~  
16 ~~0001 SEC. 03S: SR 1 Reconstruction and Widening Project Required~~  
17 ~~Area for PA Turnpike Ramp Reconstruction". The property~~  
18 ~~preliminarily determined to be required for this project is~~  
19 ~~shown as "Area Required for New Ramp Construction" on a plan~~  
20 ~~prepared by the Pennsylvania Department of Transportation titled~~  
21 ~~"SR 0001 SEC. 03S: SR 1 Reconstruction and Widening Project~~  
22 ~~Required Area for PA Turnpike Ramp Reconstruction", which is on~~  
23 ~~file with the Department of General Services. The final legal~~  
24 ~~description and acreage of the property to be conveyed (less the~~  
25 ~~property to be excepted and reserved for the PA Department of~~  
26 ~~Transportation use, as aforesaid) shall be determined by a~~  
27 ~~Pennsylvania licensed land surveyor prior to conveyance.)~~

28 ~~(c) Conditions. The conveyance shall be made under and~~  
29 ~~subject to all lawful and enforceable easements, servitudes and~~  
30 ~~rights of others, including but not confined to streets,~~

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

6 ~~(d) Land use restriction. Any conveyance authorized under~~  
7 ~~this section shall be made under and subject to the condition,~~  
8 ~~which shall be contained in the deed of conveyance, that no~~  
9 ~~portion of the property conveyed shall be used as a licensed~~  
10 ~~facility, as defined in 4 Pa.C.S. § 1103 (relating to~~  
11 ~~definitions), or any other similar type of facility authorized~~  
12 ~~under State law. The condition shall be a covenant running with~~  
13 ~~the land and shall be binding upon the Grantee, its successors~~  
14 ~~and assigns. Should the Grantee, its successors or assigns,~~  
15 ~~permit any portion of the property authorized to be conveyed in~~  
16 ~~this section to be used in violation of this subsection, the~~  
17 ~~title shall immediately revert to and revest in the Grantor.~~

18 ~~(e) Deed. The deed of conveyance shall be by Special~~  
19 ~~Warranty Deed and shall be executed by the Secretary of General~~  
20 ~~Services in the name of the Commonwealth of Pennsylvania.~~

21 ~~(f) Costs and fees. Costs and fees incidental to this~~  
22 ~~conveyance shall be borne by the Grantee.~~

23 ~~(g) Alternate disposal of property. In the event that the~~  
24 ~~Grantee and the Department of General Services cannot reach a~~  
25 ~~mutually acceptable agreement of sale within 12 months of the~~  
26 ~~effective date of this section, the property may be disposed of~~  
27 ~~in accordance with Article XXIV A of the act of April 9, 1929~~  
28 ~~(P.L.177, No.175), known as The Administrative Code of 1929.~~

29 Section 3 2. Effective date.

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30 This act shall take effect immediately.