

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2589 Session of
2010

INTRODUCED BY KOTIK, JUNE 17, 2010

REFERRED TO COMMITTEE ON STATE GOVERNMENT, JUNE 17, 2010

AN ACT

1 Authorizing the Department of General Services, with the
2 approval of the Governor, to grant and convey to Aloe
3 Brothers LLC, certain lands situate in South Fayette
4 Township, Allegheny County.

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

7 Section 1. Conveyance in South Fayette Township, Allegheny
8 County.

9 (a) Authorization.--The Department of General Services, with
10 the approval of the Governor, is authorized on behalf of the
11 Commonwealth, to grant and convey to Aloe Brothers LLC three
12 tracts of land and improvements situate in South Fayette
13 Township, Allegheny County for \$505,505.00 and under terms and
14 conditions to be established in an Agreement of Sale.

15 (b) Property description.--The property to be conveyed
16 pursuant to this section consists of three tracts of land
17 containing 152 acres, more or less, and improvements, being
18 bounded and more particularly described as follows:

19 LOT 1

1 Being all of that certain piece or parcel of land being situate
2 in the Township of South Fayette, Allegheny County, more
3 particularly bound and described as follows:

4 Beginning at an iron pin set at the southern right of way line
5 of Mayview Road, a fifty foot right of way and lands now or
6 formerly of BEE Properties LLC, thence continuing along the
7 southern right of way line of Mayview Road, a fifty foot right
8 of way, the following seven (7) courses and distances:

- 9 1. North 82°34'35" East 392.34 feet to a point, thence;
- 10 2. North 80°48'25" East 335.96 feet to a point, thence;
- 11 3. By a curve to the left with a radius of 1025.00 feet for
12 an arc length of 174.64 feet with a chord bearing North
13 75°55'33" East 174.43 feet to a point, thence;
- 14 4. North 71°02'41" East 97.44 feet to a point, thence;
- 15 5. By a curve to the left with a radius of 130.00 feet and
16 an arc length of 194.34 feet with a chord bearing North
17 28°13'07" East 176.74 feet to a point, thence;
- 18 6. North 14°36'27" West 317.99 feet to a point, thence;
- 19 7. South 75°23'33" West 8.50 feet to a point where the right
20 of way of Mayview Road changes from 50 to 33 feet,
21 thence, continuing along Mayview Road;
- 22 8. North 14°36'27" West 215.17 feet to a point, thence;
- 23 9. By a curve to the right with a radius of 898.50 feet and
24 an arc length of 168.21 feet with a chord bearing North
25 09°14'39" West 167.96 feet to a point, thence;
- 26 10. North 03°52'52" West 106.37 feet to a point, thence;
- 27 11. By a curve to the left with a radius of 542.50 feet with
28 an arc length of 231.86 feet and a chord bearing North
29 16°07'29" West 230.10 feet to a point, thence;
- 30 12. North 28°22'07" West 153.00 feet to a point, thence;

13. By a curve to the left with a radius of 551.50 feet and an arc length of 215.61 feet with a chord bearing North $39^{\circ}34'07''$ West 214.24 feet to a point, thence;
14. North $50^{\circ}46'08''$ West 457.91 feet to a point, thence;
15. By a curve to the right with a radius of 165.58 feet with an arc length of 163.24 with a chord bearing North $22^{\circ}31'44''$ West 156.71 feet to a point of compound curvature, thence;
16. By a curve to the right with a radius of 277.76 feet and an arc length of 48.96 feet with a chord bearing North $10^{\circ}45'52''$ East 48.90 feet to a point, thence;
17. North $15^{\circ}48'52''$ East 104.43 feet to a point, thence;
18. North $16^{\circ}47'48''$ East 76.15 feet to a point on the southern and western right of way lines of lands now or formerly of the Ohio Central Railroad System, thence by lands now or formerly of the Ohio Central Railroad System, the following eighteen (18) courses and distances;
19. South $42^{\circ}54'10''$ East 289.56 feet to a point, thence;
20. South $40^{\circ}33'49''$ East 419.59 feet to a point, thence;
21. South $89^{\circ}36'43''$ East 432.07 feet to a point, thence;
22. North $68^{\circ}47'14''$ East 101.98 feet to a point, thence;
23. North $80^{\circ}05'50''$ East 400.00 feet to a point, thence;
24. North $09^{\circ}54'10''$ West 10.00 feet to a point, thence;
25. North $80^{\circ}05'50''$ East 270.00 feet to a point, thence;
26. By a curve to the right with a radius of 2303.66 with an arc length of 723.72 feet with a chord bearing North $89^{\circ}05'50''$ East 720.74 feet to a point of compound curvature, thence;
27. By a curve to the right with a radius of 654.14 with an

1 arc length of 727.75 with a chord bearing South 50°01'52"
2 East 690.80 feet to a point, thence;
3 28. South 71°50'27" West 20.00 feet to a point, thence;
4 29. By a non-tangent curve to the right with a radius 634.14
5 feet with an arc length of 978.29 feet and a chord
6 bearing South 26°02'09" West 884.12 feet to a point,
7 thence;
8 30. South 72°39'30" West 475.41 feet to a point, thence;
9 31. South 71°55'20" West 331.44 feet to a point, thence;
10 32. South 69°40'12" West 438.03 feet to a point, thence;
11 33. South 53°58'31" West 70.04 feet to a point, thence;
12 34. By a curve to the left with a radius of 697.63 feet with
13 an arc length of 501.35 feet and a chord bearing South
14 45°50'12" West 490.63 feet to a point, thence;
15 35. South 31°34'51" West 141.13 feet to a point, thence;
16 36. South 23°37'50" West 58.04 feet to a point in Chartiers
17 Creek along lands now or formerly of the Township of
18 Upper St. Clair, thence continuing along lands now or
19 formerly of the Township of Upper St. Clair, the
20 following four (4) courses and distances;
21 37. North 89°18'43" West 140.90 feet to a point in Chartiers
22 Creek, thence;
23 38. North 36°36'46" West 287.54 feet to a point in Chartiers
24 Creek, thence;
25 39. North 84°36'46" West 310.00 feet to a point in Chartiers
26 Creek, thence;
27 40. South 57°53'14" West 250.00 feet to a point in Chartiers
28 Creek at lands now or formerly of BEE Properties, LLC,
29 thence continuing along lands of BEE Properties, LLC the
30 following two (2) courses and distances;

1 41. North 42°37'35" West 78.00 feet to a point, thence;

2 42. North 68°07'35" West 202.52 feet to the POINT and PLACE
3 of BEGINNING.

4 Subject to a fifty foot (50') easement for use by the Department
5 of Transportation for ingress and egress to their wetland
6 mitigation Sites 1 and 2, as depicted on the "Minor Subdivision
7 of Mayview State Hospital" prepared by L. Robert Kimball &
8 Associates, Inc., project 09-1300-0243.

9 The above described parcel of ground being shown as Lot 1 on a
10 plan entitled "Minor Subdivision of Mayview State Hospital" as
11 prepared by L. Robert Kimball & Associates, Inc., project
12 09-1300-0243. Said parcel contains 3,542,770.36 square feet or
13 81.331 acres of land.

14 LOT 2

15 Being all of that certain piece or parcel of land being situate
16 in the Township of South Fayette, Allegheny County, more
17 particularly bound and described as follows:

18 Beginning at an existing concrete monument found at lands now or
19 formerly of South Fayette Township and lands now or formerly of
20 Ernest Webb, thence continuing along lands now or formerly of
21 South Fayette Township, the following eight (8) courses and
22 distances:

23 1. North 31°50'30" East 816.23 to a point, thence;

24 2. North 19°57'43" West 400.20 to a point, thence;

25 3. North 55°14'15" East 335.74 to a point, thence;

26 4. North 47°24'45" West 201.18 to a point, thence;

27 5. North 29°38'37" West 719.15 to a point, thence;

28 6. South 70°56'43" West 116.25 to a point, thence;

29 7. North 17°09'04" West 279.72 to a point, thence;

30 8. North 64°53'30" East 763.66 to a point on the western

right of way line of lands now or formerly of the Ohio Central Railroad System, thence by lands now or formerly of the Ohio Central Railroad System, the following two (2) courses and distances;

9. By a non-tangent curve to the left with a radius 984.93 feet with an arc length of 326.32 feet and a chord bearing South 33°24'41" East 324.83 feet to a point, thence;

10. South 42°54'10" East 393.37 to a point on the western right of way line of Mayview Road, of varying width. Thence, continuing along Mayview Road, the following two (2) courses and distances;

11. South 15°48'52" West 126.50 feet to a point, thence;

12. South 74°11'08" East 5.50 feet to a point where the right of way of Mayview Road is 33 feet in width, thence continuing along the right of way of Mayview Road, the following seventeen (17) courses and distances:

13. South 15°48'52" West 78.25 feet to a point, thence;

14. By a curve to the left with a radius of 310.76 feet with an arc length of 54.78 feet and a chord bearing South 10°45'52" West 54.71 feet to a point of compound curvature, thence;

15. By a curve to the left with a radius of 198.58 feet and an arc length of 195.77 feet with a chord bearing South 22°31'43" East 187.94 feet to a point, thence;

16. South 50°46'08" East 457.91 feet to a point, thence;

17. By a curve to the right with a radius of 518.50 feet with an arc length of 202.71 feet and a chord bearing South 39°34'07" East 201.42 feet to a point, thence;

18. South 28°22'07" East 153.00 feet to a point, thence;

- 1 19. By a curve to the right with a radius of 509.50 feet and
2 an arc length of 217.75 feet with a chord bearing South
3 $16^{\circ}07'29''$ East 216.10 feet to a point, thence;
4 20. South $03^{\circ}52'52''$ East 106.37 feet to a point, thence;
5 21. By a curve to the left with a radius of 931.50 feet and
6 an arc length of 174.39 feet with a chord bearing South
7 $09^{\circ}14'39''$ East 174.13 feet to a point, thence;
8 22. South $14^{\circ}36'27''$ East 215.17 feet to a point, thence;
9 23. South $75^{\circ}23'33''$ West 8.50 feet to a point where the
10 right of way is fifty feet in width, thence;
11 24. South $14^{\circ}36'27''$ East 317.99 feet to a point, thence;
12 25. By a curve to the right with a radius of 80.00 feet and
13 an arc length of 119.59 feet with a chord bearing South
14 $28^{\circ}13'07''$ West 108.76 feet to a point, thence;
15 26. South $71^{\circ}02'41''$ West 97.44 feet to a point, thence;
16 27. By a curve to the right with a radius of 975.00 feet and
17 an arc length of 166.12 feet with a chord bearing South
18 $75^{\circ}55'33''$ West 165.92 feet to a point, thence;
19 28. South $80^{\circ}48'25''$ West 335.19 feet to a point, thence;
20 29. South $82^{\circ}34'35''$ West 480.68 feet to a point at lands now
21 or formerly of BEE Properties, LLC, thence along lands
22 now or formerly of BEE Properties, LLC at first, then
23 Ernest Webb;
24 30. North $68^{\circ}07'35''$ West 741.53 feet to the POINT and PLACE
25 of BEGINNING.

26 The above described parcel of ground being shown as Lot 2 on a
27 plan entitled "Minor Subdivision of Mayview State Hospital" as
28 prepared by L. Robert Kimball & Associates, Inc., project
29 09-1300-0243. Said parcel contains 3,004,864.98 square feet or
30 68.982 acres of land.

1 LOT 3 Residual Tract

2 Being all of that certain piece or parcel of land being situate
3 in the Township of South Fayette, Allegheny County, more
4 particularly bound and described as follows:

5 Beginning at a point on the western right of way line of Mayview
6 Road, a variable width right of way and lands now or formerly of
7 the Township of Upper St. Clair, said point being located within
8 Chartiers Creek, thence continuing along the western right of
9 way line of Mayview Road the following three (3) courses and
10 distances:

11 1. South 15°48'52" West 76.32 feet to a point, thence;

12 2. South 22°50'43" East 32.02 feet to a point, thence;

13 3. South 09°17'41" West 54.55 feet to a point on the
14 northern right of way line of lands now or formerly of
15 the Ohio Central Railroad, thence continuing along lands
16 now or formerly of the Ohio Central Railroad, the
17 following two (2) courses and distances;

18 4. North 42°54'10" West 354.80 feet to a point, thence;

19 5. By a curve to the right with a radius of 924.93 feet and
20 an arc length of 613.17 feet with a chord bearing North
21 23°54'40" West 602.00 feet to a point, thence;

22 6. North 72°39'04" East 70.32 feet to a point in Chartiers
23 Creek, thence along Chartiers Creek;

24 7. South 19°18'18" East 494.16 feet to a point, thence;

25 8. South 41°30'18" East 200.00 feet to a point; thence;

26 9. South 67°21'18" East 151.36 feet to the POINT and PLACE
27 of BEGINNING.

28 The above described parcel of ground being shown as Lot 3
29 Residual Tract on a plan entitled "Minor Subdivision of Mayview
30 State Hospital" as prepared by L. Robert Kimball & Associates,

1 Inc., project 09-1300-0243. Said parcel contains 73,671.25
2 square feet or 1.691 acres of land.

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

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

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

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

27 (g) Deposit of proceeds.--The amount of all costs and fees
28 incurred by the Department of General Services in preparing the
29 property for sale shall be deducted from proceeds of the sale
30 and transferred to the appropriation from which the costs and

1 fees were paid by the Department of General Services. The
2 balance of the proceeds of the sale shall be deposited in the
3 Capital Facilities Fund and used to pay any outstanding
4 Commonwealth General Obligation Debt for renovations to Mayview
5 State Hospital, or its supporting infrastructure.

6 (h) Alternative disposition.--In the event that an agreement
7 of sale between the parties is not executed within 12 months of
8 the effective date of this Act, the property may be disposed of
9 in accordance with Article 2405-A of the Act of April 9, 1929
10 (P.L.177, No.175), known as The Administrative Code of 1929.

11 Section 2. Effective date.

12 This act shall take effect in 60 days.