

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1242 Session of
2010

INTRODUCED BY MELLOW, FEBRUARY 26, 2010

REFERRED TO STATE GOVERNMENT, FEBRUARY 26, 2010

AN ACT

1 Amending the act of July 4, 2008 (P.L.599, No.47), entitled "An
 2 act authorizing the Department of General Services, with the
 3 approval of the Department of Transportation and the
 4 Governor, to grant and convey to Pike County or its assigns,
 5 certain lands, situate in the Borough of Milford, Pike
 6 County, in exchange for a certain tract of land; authorizing
 7 the Department of General Services, with the approval of the
 8 Governor, to grant and convey to Heritage Building Group,
 9 Inc., and the Municipal Authority of the Township of South
 10 Heidelberg, and their assigns, six permanent sanitary sewer
 11 easements and two temporary construction easements, situate
 12 in South Heidelberg Township and Lower Heidelberg Township,
 13 Berks County; authorizing the Department of General Services,
 14 with the approval of the Governor and the Department of
 15 Military and Veterans Affairs, to grant and convey, at a
 16 price to be determined through a competitive bid process,
 17 certain lands, buildings and improvements situate in the
 18 Borough of Pottstown, Montgomery County; authorizing the
 19 Department of General Services, with the approval of the
 20 Governor, to grant and convey, at a price to be determined
 21 through a competitive bid process, certain lands, buildings
 22 and improvements situate in the Township of West Norriton,
 23 Montgomery County; authorizing the Department of General
 24 Services, with the approval of the Governor, to dedicate,
 25 grant and convey to the Strasburg, Lancaster County, Borough
 26 Authority, a water main and appurtenances to be constructed
 27 by the Department of General Services, together with
 28 easements for public water purposes, situate in Strasburg
 29 Township, Lancaster County, and to grant such further
 30 easements and licenses as may be necessary to provide the
 31 Railroad Museum of Pennsylvania with access to public sewer
 32 service; authorizing the Department of General Services, with
 33 the approval of the Governor and the Department of
 34 Transportation, to grant and convey to Parkwood Real Estate
 35 Trust LLC, approximately 1.645 acres including a building and

1 all improvements thereon, situate at Parkwood Drive in the
2 City of Allentown and Salisbury Township, Lehigh County; and
3 authorizing the Department of General Services, with the
4 approval of the Governor, to grant and convey to the County
5 of Lackawanna Transit System Authority (COLTS), certain lands
6 situate in the City of Scranton, Lackawanna County, in
7 exchange for a certain tract of land from COLTS situate in
8 the City of Scranton, Lackawanna County," further providing
9 for conveyance in City of Scranton, Lackawanna County.

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

12 Section 1. Section 7 of the act of July 4, 2008 (P.L.599,
13 No.47), entitled "An act authorizing the Department of General
14 Services, with the approval of the Department of Transportation
15 and the Governor, to grant and convey to Pike County or its
16 assigns, certain lands, situate in the Borough of Milford, Pike
17 County, in exchange for a certain tract of land; authorizing the
18 Department of General Services, with the approval of the
19 Governor, to grant and convey to Heritage Building Group, Inc.,
20 and the Municipal Authority of the Township of South Heidelberg,
21 and their assigns, six permanent sanitary sewer easements and
22 two temporary construction easements, situate in South
23 Heidelberg Township and Lower Heidelberg Township, Berks County;
24 authorizing the Department of General Services, with the
25 approval of the Governor and the Department of Military and
26 Veterans Affairs, to grant and convey, at a price to be
27 determined through a competitive bid process, certain lands,
28 buildings and improvements situate in the Borough of Pottstown,
29 Montgomery County; authorizing the Department of General
30 Services, with the approval of the Governor, to grant and
31 convey, at a price to be determined through a competitive bid
32 process, certain lands, buildings and improvements situate in
33 the Township of West Norriton, Montgomery County; authorizing
34 the Department of General Services, with the approval of the

1 Governor, to dedicate, grant and convey to the Strasburg,
2 Lancaster County, Borough Authority, a water main and
3 appurtenances to be constructed by the Department of General
4 Services, together with easements for public water purposes,
5 situate in Strasburg Township, Lancaster County, and to grant
6 such further easements and licenses as may be necessary to
7 provide the Railroad Museum of Pennsylvania with access to
8 public sewer service; authorizing the Department of General
9 Services, with the approval of the Governor and the Department
10 of Transportation, to grant and convey to Parkwood Real Estate
11 Trust LLC, approximately 1.645 acres including a building and
12 all improvements thereon, situate at Parkwood Drive in the City
13 of Allentown and Salisbury Township, Lehigh County; and
14 authorizing the Department of General Services, with the
15 approval of the Governor, to grant and convey to the County of
16 Lackawanna Transit System Authority (COLTS), certain lands
17 situate in the City of Scranton, Lackawanna County, in exchange
18 for a certain tract of land from COLTS situate in the City of
19 Scranton, Lackawanna County," is amended to read:

20 Section 7. Conveyance in City of Scranton, Lackawanna County.

21 (a) Authorization.--The Department of General Services, with
22 the approval of the Governor, is hereby authorized on behalf of
23 the Commonwealth of Pennsylvania to grant and convey to the
24 County of Lackawanna Transit System Authority (hereinafter
25 COLTS) certain lands situate in the City of Scranton, Lackawanna
26 County, in exchange for a certain tract of land from COLTS
27 situate in the City of Scranton, Lackawanna County.

28 (b) Description.--The property to be conveyed to COLTS under
29 subsection (a) consists of approximately 2.52 acres of land and
30 improvements thereon bounded and more particularly described as

1 follows:

2 LOT 1A

3 BEGINNING at a 3/4 inch iron pin, the intersection of the
4 southeasterly right-of-way line of Cliff Street with the
5 southwesterly right-of-way line of Lackawanna Avenue as shown on
6 a plan titled, "The Commonwealth of Pennsylvania - Department of
7 General Services - RD 1216 Pg 289 - Minor Subdivision" dated
8 July, 2005 and prepared by Acker Associates, Inc.;

9 Thence along said line of Lackawanna Avenue South 51 degrees 28
10 minutes 04 seconds East four hundred seventy-one and five
11 hundredths (471.05 feet) feet to a point in line of lands of
12 Scranton Mall Associates;

13 Thence along said lands South 38 degrees 37 minutes 01 second
14 West one hundred three and one hundredth (103.01 feet) feet to a
15 point in line of lands of Lackawanna County Rail Authority;

16 Thence along said lands of Lackawanna County Rail Authority the
17 following four (4) courses and distances:

- 18 1. South 70 degrees 49 minutes 56 seconds West five and
19 ninety-three hundredths (5.93 feet) feet to a point,
- 20 2. North 88 degrees 44 minutes 38 seconds West fifty-seven
21 and seventy-nine hundredths (57.79 feet) feet to a point
22 of curvature,
- 23 3. along a curve to the right having a radius of nine
24 hundred eighty-eight and thirty-one hundredths (988.31
25 feet) feet for an arc length of three hundred sixty-one
26 and fifty-one hundredths (361.51 feet) feet (chord
27 bearing and distance being North 68 degrees 51 minutes 46
28 seconds West 359.50 feet) to a point of tangency, and
- 29 4. North 53 degrees 36 minutes 54 seconds West eighty and
30 seven hundredths (80.07 feet) feet to a point on the

1 southeasterly right-of-way line of Cliff Street;
2 Thence along said line of Cliff Street North 38 degrees 49
3 minutes 51 seconds East two hundred fifty-three and five tenths
4 (253.50 feet) feet to the point of BEGINNING.

5 CONTAINING 2.24 acres of land being the same, more or less.

6 LOT 1B

7 BEGINNING at a 5/8 inch rebar on the southeasterly right-of-way
8 line of Cliff Street, said point also being a common corner of
9 lands the National Park Service and Lot 1B as shown on a plan
10 titled, "The Commonwealth of Pennsylvania - Department of
11 General Services - RB 1216 Pg 289 - Minor Subdivision" dated
12 July, 2005 and prepared by Acker Associates, Inc.;

13 Thence along said line of Cliff Street North 38 degrees 49
14 minutes 51 seconds East thirty-nine and twenty-six hundredths
15 (39.26 feet) feet to a point in line of Lackawanna County Rail
16 Authority;

17 Thence along said lands of Lackawanna County Rail Authority the
18 following two (2) courses and distances:

19 1. South 51 degrees 32 minutes 09 seconds East one and
20 forty-eight and thirty-nine hundredths (148.39 feet) feet
21 to a point, and

22 2. South 66 degrees 46 minutes 09 seconds East fifty-five
23 and twenty-six hundredths (55.26 feet) feet to a point;

24 Thence along Lot 2 the following three (3) courses and
25 distances:

26 1. South 25 degrees 41 minutes 58 seconds West eleven and
27 fifty-nine hundredths (11.59 feet) feet to a point,

28 2. South 39 degrees 59 minutes 28 seconds West fifty-eight
29 and five hundredths (58.05 feet) feet to a point, and

30 3. South 48 degrees 45 minutes 01 second West twenty-two and

1 ninety-five hundredths (22.95 feet) feet to a point in
2 line of lands of the National Park Service;
3 Thence along said lands of the National Park Service North 40
4 degrees 40 minutes 45 seconds West two hundred two and five
5 tenths (202.50 feet) feet to the point of BEGINNING.
6 CONTAINING 12,315 square feet (0.28 acres) of land being the
7 same, more or less.

8 (c) Exchange.--The conveyance authorized by subsection (b)
9 shall be in exchange for the conveyance, by special warranty
10 deed, from COLTS, to the Commonwealth of Pennsylvania, acting by
11 and through its Department of General Services, of all that
12 certain piece or parcel of land situate in the City of Scranton,
13 Lackawanna County, Pennsylvania, bounded and described as
14 follows:

15 All that certain lot, piece or parcel of land situate in the
16 8th Ward, City of Scranton, County of Lackawanna and State of
17 Pennsylvania, bounded and described as follows:

18 Beginning at a point located on the northeasterly side of
19 Lackawanna Avenue, said point being also located by a bearing of
20 N 39 degrees 00 minutes W, and a distance of 138.0 feet as
21 measured along the northeasterly side of Lackawanna Avenue from
22 its intersection with the northwesterly right-of-way line of the
23 D.L. & W. R.R.; thence, along the line of Lackawanna Avenue N 39
24 degrees 00 minutes W, 294.52 feet to a point of intersection
25 with a curve measured radially 100 feet from the center line of
26 the D. & H. R.R. Co.; thence on a curve to the left parallel to
27 the center line of said D. & H. R.R. and 100 feet therefrom,
28 said curve having a radius of 750.14 feet and length of 867.02
29 feet with a long chord bearing and distance of N 71 degrees 01
30 minute E, 819.55 feet to a point; thence S 39 degrees 00 minutes

1 E, 45.04 feet to a point on the northwesterly right-of-way line
2 of the D.L. & W. R.R.; thence along said right-of-way the
3 following two courses and distances (1) on a curve to the right,
4 having a radius of 4,037.11 and length of 278.15 and a long
5 chord bearing and distance of a 31 degrees 32 minutes W, 278.10
6 feet and (2) S 47 degrees 38 minutes W, 208.68 feet to a corner
7 of other lands of the S.R.A.; thence along lands of said S.R.A.,
8 the following two courses and distances (1) N 39 degrees 00
9 minutes W, 136.0 feet and (2) S 51 degrees 00 minutes W, 300.0
10 feet to the place of beginning.

11 Containing 2.277 acres of land, more or less, as surveyed by
12 John R. Hennemuth, Registered Civil Engineer.

13 Parcel 18-A

14 All that certain lot, piece or parcel of land situate in the
15 8th Ward, City of Scranton, County of Lackawanna and State of
16 Pennsylvania, bounded and described as follows:

17 Beginning at a point located on the northeasterly side of
18 Lackawanna Avenue, said point being also located by a bearing of
19 N 39 degrees 00 minutes W and a distance of 138.00 feet as
20 measured along the northeasterly side of Lackawanna Avenue from
21 its intersection with the northwesterly right-of-way line of the
22 D. L. & W. R.R., said point being also common to a corner of
23 Parcel 18 of the S.R.A. as shown on drawing D-14-72 by John R.
24 Hennemuth, P.E.; thence along the line of parcel 18, N 51
25 degrees 00 minutes E, 300 feet to a corner; thence still along
26 the line of Parcel 18, S 39 degrees 00 minutes E, 6.0 feet to a
27 corner; thence over and across other lands of the S.R.A., S 51
28 degrees 00 minutes W, 300.0 feet to a point on the northeasterly
29 side of Lackawanna Avenue; thence along the side of said Avenue
30 N 39 degrees 00 minutes W, 6.0 feet to the place of beginning.

1 Containing 0.041 acres of land and shown as Parcel 18-A on
2 drawing B-22-72 by John R. Hennemuth, Registered Civil Engineer.

3 CONTAINING 2.318 acres, more or less.

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

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

20 (e) Special warranty deed.--The conveyance described in
21 subsection (b) shall be by special warranty deed and shall be
22 executed by the Secretary of General Services in the name of the
23 Commonwealth of Pennsylvania.

24 (f) Covenants.--Any conveyance authorized under subsection
25 (b) shall be made under and subject to the condition, which
26 shall be contained in the deed of conveyance, that no portion of
27 the property conveyed shall be used as a licensed facility, as
28 defined in 4 Pa.C.S. § 1103 (relating to definitions) or any
29 other similar type of facility authorized under the laws of this
30 Commonwealth. The condition shall be a covenant running with the

1 land and shall be binding upon the grantee, its successors and
2 assigns. Should the grantee, its successors or assigns permit
3 any portion of the property authorized to be conveyed in this
4 section to be used in violation of this section, the title shall
5 immediately revert to and re-vest in the grantor.

6 (g) Costs and fees.--All costs and fees incidental to the
7 conveyance authorized by this act shall be borne by the grantee.

8 (h) Voidance.--In the event that the conveyance is not
9 executed by [May 16, 2010] May 16, 2013, the authorization
10 contained in this section shall become null and void.

11 Section 2. This act shall take effect immediately.