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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1890 Session of  
2011

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INTRODUCED BY HANNA, BRENNAN, CALTAGIRONE, CARROLL, D. COSTA,  
DIGIROLAMO, EVERETT, FABRIZIO, JOSEPHS, KORTZ, KULA, MAHONEY,  
MILLARD, MILNE, MIRABITO AND YOUNGBLOOD, OCTOBER 3, 2011

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REFERRED TO COMMITTEE ON STATE GOVERNMENT, OCTOBER 3, 2011

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AN ACT

1 Authorizing the Department of General Services, with the  
2 approval of the Governor, to grant and convey to the Centre  
3 County Industrial Development Corporation certain lands  
4 situate in Benner Township, Centre County.

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

7 Section 1. Conveyance in Benner Township, Centre County.

8 (a) Authorization.--The Department of General Services, with  
9 the approval of the Governor, is hereby authorized on behalf of  
10 the Commonwealth of Pennsylvania to grant and convey to the  
11 Centre County Industrial Development Corporation certain lands,  
12 and any improvements located thereon, situate in Benner  
13 Township, Centre County for \$241,861 as determined by an  
14 independent appraisal and under terms and conditions to be  
15 established in an agreement of sale.

16 (b) Property description.--The property to be conveyed  
17 pursuant to this section consists of two tracts of land  
18 containing approximately 32.06 acres and improvements thereon

1 bounded and more particularly described as follows:

2 LOT 4AR

3 All that certain tract of land situated in Benner Township,  
4 Centre County, PA, being Lot 4AR, as shown on a plan entitled,  
5 "Lot Addition and Replot Plan, Final Plan - Benner Commerce Park  
6 Lot Addition and Replots of Lands of the Centre County  
7 Industrial Development Corporation and the Commonwealth of  
8 Pennsylvania - Replot of Lot 5BR (of Plat Book 81, Page 168)  
9 into Lot 5BRR and Lots 4A & 4B (of Plat Book 78, Page 12) into  
10 Lots 4AR & 4BR, Legal Exhibit, Blow-Up" dated February 5, 2009,  
11 by PennTerra Engineering, Inc., State College, PA, being bounded  
12 and described as follows:

13 Beginning at an iron pin, being an easterly corner of Venture  
14 Drive (Proposed 60' R/W) and lying in a southerly R/W line of  
15 Rishel Hill Road (T-532, 70' R/W); thence along Rishel Hill Road  
16 the following bearings and distances: along a curve to the left,  
17 having a chord bearing of N44°35'31"E, a chord distance of  
18 253.06 feet, a radius of 555.87 feet and an arc length of 255.29  
19 feet to an iron pin; thence N31°26'05"E, 140.94 feet to an iron  
20 pin; thence N20°07'29"E, 50.99 feet to an iron pin lying in a  
21 southerly R/W line of Rishel Hill Road (T-532, 50' R/W); thence,  
22 along said R/W N31°26'05"E, 16.59 feet to an iron pin; thence  
23 continuing along said R/W along a curve to the right, having a  
24 chord bearing of N37°35'53"E, a chord distance of 424.09 feet, a  
25 radius of 1975.00 feet and an arc length of 424.91 feet to an  
26 iron pin, lying in a southerly line of said R/W and being a  
27 westerly corner of lands owned now or formerly by Gerald E.  
28 Rogers, Ronnie Lee Rogers, Bonnie Lou Moerschbacher and  
29 Geraldine Rogers Bohn (Tax Parcel 12-3-130, RB 753 Pg. 883);  
30 thence along said lands S47°10'10"E, 903.84 feet to an iron pin,

1 being a southerly corner of said lands and lying in a northerly  
2 R/W line of U.S. 0220/Future I-99 (Variable R/W); thence along  
3 said R/W the following bearings and distances: S64°43'55"W,  
4 96.12 feet to an iron pin; thence S58°28'32"W, 200.00 feet to an  
5 iron pin; thence S56°06'30"W, 363.15 feet to an iron pin; thence  
6 along a curve to the right, having a chord bearing of  
7 S59°25'10"W, a chord distance of 374.92 feet, a radius of  
8 11379.16 feet and an arc length of 374.93 feet to an iron pin,  
9 lying in a northerly line of said R/W and being an easterly  
10 corner of Venture Drive (Proposed 60'R/W); thence along said  
11 R/W, the following bearings and distances: N31°45'22"W, 93.01  
12 feet to an iron pin; thence along a curve to the left, having a  
13 chord bearing of N39°41'44"W, a chord distance of 146.42 feet, a  
14 radius of 530.00 feet and an arc length of 146.89 feet to an  
15 iron pin; thence N47°38'06"W, 153.52 feet to an iron pin; thence  
16 along a curve to the right, having a chord bearing of  
17 N40°24'58"W, a chord distance of 118.12 feet, a radius of 470.00  
18 feet and an arc length of 118.44 feet to an iron pin; thence  
19 along a curve to the right, having a chord bearing of  
20 N12°16'33"E, a chord distance of 71.29 feet, a radius of 50.00  
21 feet and an arc length of 79.37 feet to an iron pin, being the  
22 place of beginning, containing 15.709 acres.

23 LOT 4BR

24 All that certain tract of land situated in Benner Township,  
25 Centre County, PA, being Lot 4BR, as shown on a plan entitled,  
26 "Lot Addition and Replot Plan, Final Plan - Benner Commerce Park  
27 Lot Addition and Replots of Lands of the Centre County  
28 Industrial Development Corporation and the Commonwealth of  
29 Pennsylvania - Replot of Lot 5BR (of Plat Book 81, Page 168)  
30 into Lot 5BRR and Lots 4A & 4B (of Plat Book 78, Page 12) into

1 Lots 4AR & 4BR, Legal Exhibit, Blow-Up" dated February 5, 2009,  
2 by PennTerra Engineering, Inc., State College, PA, being bounded  
3 and described as follows:

4 Beginning at an iron pin, lying in a southerly R/W line of  
5 Rishel Hill Road (T-532, 70' R/W) and being a westerly corner of  
6 Venture Drive (Proposed 60' R/W); thence along said Proposed  
7 Venture Drive, the following bearings and distances: along a  
8 curve to the right, having a chord bearing of  $S68^{\circ}52'58''E$ , a  
9 chord distance of 61.66 feet, a radius of 50.00 feet and an arc  
10 length of 66.44 feet to an iron pin; thence along a curve to the  
11 left, having a chord bearing of  $S39^{\circ}13'29''E$ , a chord distance of  
12 155.04 feet, a radius of 530.00 feet and an arc length of 155.59  
13 feet to an iron pin; thence  $S47^{\circ}38'06''E$ , 153.52 feet to an iron  
14 pin; thence along a curve to the right, having a chord bearing  
15 of  $S39^{\circ}41'44''E$ , a chord distance of 129.84 feet, a radius of  
16 470.00 feet and an arc length of 130.26 feet to an iron pin;  
17 thence  $S31^{\circ}45'22''E$ , 90.63 feet to an iron pin, being a southerly  
18 corner of said R/W and lying in a northerly R/W line of U.S.  
19 0220/Future I-99 (Variable R/W); thence along said R/W the  
20 following bearings and distances: along a curve to the right,  
21 having a chord bearing of  $S61^{\circ}19'14''W$ , a chord distance of  
22 260.13 feet, a radius of 11379.16 feet and an arc length of  
23 260.13 feet to an iron pin; thence  $S61^{\circ}58'32''W$ , 478.19 feet to  
24 an iron pin; thence along a curve to the right, having a chord  
25 bearing of  $S77^{\circ}02'31''W$ , a chord distance of 145.57 feet, a  
26 radius of 280.00 feet and an arc length of 147.26 feet to an  
27 iron pin; thence  $N87^{\circ}53'30''W$ , 330.60 feet to an iron pin, lying  
28 in a northerly line of said R/W and being an easterly corner of  
29 Benner Pike (S.R. 0150, Variable R/W); thence along the Benner  
30 Pike R/W, along a curve to the left, having a chord bearing of

1 N01°50'29"W, a chord distance of 797.38 feet, a radius of  
2 6945.55 feet and an arc length of 797.82 feet to an iron pin  
3 lying along said R/W and being a southerly corner of Rishel Hill  
4 Road (T-532; 70' R/W); thence along the Rishel Hill Road R/W  
5 N33°18'46"E, 55.19 feet to an iron pin; thence N57°35'25"E,  
6 41.13 feet to an iron pin; thence N79°16'07"E, 41.17 feet to an  
7 iron pin; thence S84°04'41"E, 80.12 feet to an iron pin; thence  
8 S73°17'38"E, 252.18 feet to an iron pin; thence along a curve to  
9 the left, having a chord bearing of N89°52'40"E, a chord  
10 distance of 321.86 feet, a radius of 555.87 feet and an arc  
11 length of 326.53 feet to an iron pin, being the place of  
12 beginning, containing 16.351 acres.

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

1 violation of this subsection, the title shall immediately revert  
2 to and revest in the Grantor.

3 (e) Deed.--The deed of conveyance shall be by Special  
4 Warranty Deed and shall be executed by the Secretary of General  
5 Services in the name of the Commonwealth of Pennsylvania.

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

8 (g) Alternate disposition.--In the event that the herein  
9 named Grantee fails to enter into an agreement of sale with the  
10 Department of General Services within 12 months of the effective  
11 date of this section, the property may be disposed of in  
12 accordance with section 2405-A of the act of April 9, 1929  
13 (P.L.177, No.175), known as The Administrative Code of 1929.  
14 Section 2. Effective date.

15 This act shall take effect immediately.