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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 1559 Session of  
2012

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INTRODUCED BY ALLOWAY, JUNE 12, 2012

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REFERRED TO STATE GOVERNMENT, JUNE 12, 2012

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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 Winebrenner  
3 Theological Seminary certain lands and improvements situate  
4 in Greene Township, Franklin County.

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

7 Section 1. Authorization.

8 The Department of General Services, with the approval of the  
9 Governor, is authorized on behalf of the Commonwealth of  
10 Pennsylvania to grant and convey to Winebrenner Theological  
11 Seminary certain lands and improvements thereon, being known as  
12 the Scotland School for Veterans' Children, situate in Greene  
13 Township, Franklin County, under terms, conditions and for  
14 consideration to be established in an agreement of sale with the  
15 Department of General Services.

16 Section 2. Description.

17 The property to be conveyed pursuant to section 1 consists of  
18 approximately 165.96 acres, more or less, and all improvements  
19 thereon, being more particularly bounded and described as

1 follows, subject to an official survey and plan:

2 All those hereinafter described tracts of land situated in  
3 Greene Township, Franklin County, and bounded and described as  
4 follows:

5 Tract 1

6 BEGINNING at a point in the middle of the Conococheague  
7 Creek, thence by land N/F of Caroline Thomas, South forty nine  
8 (49) degrees West twelve and eight tenths (12.8) rods to a white  
9 oak; thence by the same, South 4 and a half (4 1/2) degrees East  
10 twenty two (22) rods to a point (formerly a white oak) on the  
11 line of land N/F of the said George H. Stewart; thence South  
12 eighty six (86) degrees West one hundred and five and six tenths  
13 (105.6) rods to a point in the public road and leading from  
14 Scotland to Chambersburg; thence by land N/F of said George H.  
15 and Alexander Stewart, North three (3) degrees East Eighty six  
16 (86) rods to a point on the line of the right of way of the  
17 Cumberland Valley Railroad Company and thirty (30) feet from the  
18 middle thereof; thence by said right of way, North fifty eight  
19 (58) degrees East ninety seven (97) rods to a point thirty (30)  
20 feet from the middle of said right of way; thence by the same,  
21 North sixty one (61) degrees East forty eight and fifty five one  
22 hundredths (48.55) rods to a point seventy five (75) feet from  
23 the middle of said right of way; thence by the same North fifty  
24 eight (58) degrees East twenty and one fourth (20 1/4) rods to a  
25 point in the middle of said creek and seventy five (75) feet  
26 from the middle of said right of way; thence up the creek by its  
27 several courses and distances one hundred and eighty six and  
28 three tenths (186.3) rods to the place of BEGINNING.

29 CONTAINING 100-acres.

30 BEING the same piece or parcel of land conveyed by George H.

1 Stewart et al, to the Commonwealth of Pennsylvania, by deed  
2 dated February 20, 1894, recorded in the Office of Recorder of  
3 Deeds for Franklin County in Deed Book 101, Page 189.

4 Tract 2

5 BEGINNING at a point in the public road leading from  
6 Chambersburg to Scotland on line of lands N/F of George H.  
7 Stewart, thence along said road North eighty six (86) degrees  
8 East fourteen and one tenths (14 1/10) perches to a pin or stone  
9 at the corner of lands of the Commonwealth of Pennsylvania;  
10 thence by the lands of the Commonwealth of Pennsylvania North  
11 three (3) degrees East eighty-six (86) perches to a point on the  
12 East line of the Cumberland Valley Railroad right of way sixteen  
13 and one-half (16 1/2) feet from the line of the land N/F of  
14 William Pentz at this point; thence by land of the Commonwealth  
15 of Pennsylvania, along the East line of said right of way a  
16 distance of thirty (30) feet from the middle of the railroad  
17 track with the curves of the same North fifty-two and one half  
18 (52 1/2) degrees East twenty-two and fifty-one hundredths (22  
19 51/100) perches to a point, thirty (30) feet from the middle of  
20 said track, thence by the same fifty-six and one-half (56 1/2)  
21 degrees East twenty-two and fifty-one one hundredths (22 51/100)  
22 perches to a point thirty (30) feet from the middle of said  
23 track; thence by the same North fifty-eight (58) degrees East  
24 fifty-three perches to a point thirty (30) feet from the middle  
25 of said track; thence along the same North sixty-one (61)  
26 degrees East forty-eight and fifty-five hundredths (48 55/100)  
27 perches to a point seventy-five (75) feet from the middle of  
28 said track; thence by the same at a distance of seventy-five  
29 (75) feet from the middle of said track North fifty-eight (58)  
30 degrees East twenty and one-fourth (20 1/4) perches to a point

1 in the Conococheaque Creek; thence along the middle of said  
2 creek by the several courses and distances of the same by lands  
3 N/F of B.C. Oyler, John G. Youst et al, one hundred and sixty-  
4 three and five tenths (163 5/10) perches to a point; thence by  
5 lands N/F of John G. Youst South eleven and three fourths (11  
6 3/4) degrees West from a point in the middle of the dam, eight-  
7 seven and eight-tenths (87 8/10) perches to a point on the  
8 Cumberland Valley Railroad at corner of lands N/F of William  
9 Pentz; thence by lands N/F of said William Pentz South eleven  
10 and three fourths (11 3/4) degrees West eighty-eight (88)  
11 perches to the place of BEGINNING.

12 CONTAINING 44-acres and one hundred and nineteen (119)  
13 perches neat measure including half of the creek and public  
14 road.

15 BEING the same piece or parcel of land conveyed by Alexander  
16 Stewart, to the Commonwealth of Pennsylvania, by deed dated  
17 January 14, 1905, recorded in the Office of Recorder of Deeds  
18 for Franklin County in Deed Book 136, Page 118.

19 Tract 3

20 BEGINNING at a point on the public road leading from  
21 Chambersburg to Scotland at lands of the Commonwealth of  
22 Pennsylvania (formerly of Alexander Stewart); thence South  
23 eighty eight (88) degrees West nine and four tenths (9 4/10)  
24 perches; thence South sixty-three and one-half (63 1/2) degrees  
25 West twenty-six and two-tenths (26 2/10) perches; thence along  
26 lands of John Eby (formerly Peter Farner) South thirty-four and  
27 three-fourths (34 3/4) degrees West forty-five (45) perches to  
28 the right of way of the Cumberland Valley Railroad; thence North  
29 fifty-one (51) degrees East ninety-seven and one-tenth (97 1/10)  
30 perches to a point; thence along lands of the Commonwealth of

1 Pennsylvania (formerly Alexander Stewart) South twelve (12)  
2 degrees West eighty-seven and two-tenths (87 2/10) perches to  
3 the place of BEGINNING.

4 CONTAINING 21-acres and thirty-six (36) perches neat measure.

5 BEING the same piece or parcel of land conveyed by William  
6 Pentz, to the Commonwealth of Pennsylvania, by deed dated  
7 January 30, 1905, recorded in the Office of Recorder of Deeds  
8 for Franklin County in Deed Book 136, Page 121.

9 THE ABOVE DESCRIBED TRACTS collectively being Tax Parcel Nos.  
10 09-0C13-030 and 09-0C13-030A.

11 Section 3. Easements.

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

20 Section 4. Conditions.

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

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

3 Section 5. Reservations.

4 The Department of General Services is hereby authorized, on  
5 behalf of the Commonwealth of Pennsylvania, to grant or reserve  
6 any such easements on the property, known as the Scotland School  
7 for Veterans' Children, as the Secretary of General Services  
8 shall determine are appropriate or necessary to effectuate this  
9 act.

10 Section 6. Modifications.

11 The Department of General Services is authorized to make  
12 minor modifications to the legal descriptions contained in this  
13 act, within its conveyance documents, based on a final boundary  
14 survey and minor subdivision plan.

15 Section 7. Deeds of conveyance.

16 The deed of conveyance shall be by Special Warranty Deed and  
17 shall be executed by the Secretary of General Services in the  
18 name of the Commonwealth of Pennsylvania.

19 Section 8. Costs and fees.

20 Costs and fees incidental to this conveyance shall be borne  
21 by the Grantee.

22 Section 9. Proceeds.

23 The amount of all costs and fees incurred by the Department  
24 of General Services in physically maintaining the property since  
25 its closure in 2008 and preparing the property for sale shall be  
26 deducted from the proceeds of the sale and transferred to the  
27 appropriation from which the costs and fees were paid by the  
28 Department of General Services. The balance of the proceeds of  
29 the sale shall be deposited into the General Fund.

30 Section 10. Required sales agreement.

1       If the grantee and the Department of General Services cannot  
2 reach a mutually acceptable agreement of sale within six months  
3 of the effective date of this act, the property may be disposed  
4 of in accordance with section 2405-A of the act of April 9, 1929  
5 (P.L.177, No.175), known as The Administrative Code of 1929.

6 Section 11. Effective date.

7       This act shall take effect immediately.