

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1945 Session of 2014

INTRODUCED BY HELM, JANUARY 8, 2014

AS REPORTED FROM COMMITTEE ON STATE GOVERNMENT, HOUSE OF REPRESENTATIVES, AS AMENDED, JANUARY 28, 2014

AN ACT

1 Authorizing the Department of General Services, with the
 2 approval of the Governor, to grant and convey, at a price to
 3 be determined through a competitive bid process, certain
 4 lands and buildings situate partly in the City of Harrisburg
 5 and partly in Susquehanna Township, Dauphin County, and <--
 6 ~~authorizing the Department of General Services, with the~~
 7 ~~approval of the Governor, to release the educational use~~
 8 ~~restriction and reversionary covenant on property previously~~
 9 ~~conveyed by the Commonwealth of Pennsylvania, through the~~
 10 ~~Department of General Services, to Temple University situate~~
 11 ~~in Cheltenham Township, Montgomery County.~~

12 The General Assembly of the Commonwealth of Pennsylvania
13 hereby enacts as follows:

14 Section 1. Conveyance in Harrisburg and Susquehanna Township,
15 Dauphin County.

16 (a) Authorization.--The Department of General Services, with
 17 the approval of the Governor, is hereby authorized on behalf of
 18 the Commonwealth of Pennsylvania to grant and convey, at a price
 19 to be determined through competitive bidding, the land described
 20 in subsection (b) together with any buildings, structures or
 21 improvements thereon, situate partly in the City of Harrisburg
 22 and partly in Susquehanna Township, Dauphin County,

1 Pennsylvania.

2 (b) Property description.--Except as otherwise provided in
3 subsection (c), the property to be conveyed pursuant to this
4 section consists of the following described tract or tracts of
5 land, and all improvements located thereon, bounded and more
6 particularly described as follows:

7 ALL THAT CERTAIN tract or tracts of land, and all
8 improvements thereon erected, situate partly in the City of
9 Harrisburg and partly in Susquehanna Township, Dauphin County,
10 known formerly as the Harrisburg State Hospital and Harrisburg
11 State Hospital Farm, and now known in part as the DGS Annex
12 Complex, and being Dauphin County Tax ID #62-026-004, acquired
13 by the Commonwealth of Pennsylvania pursuant to the following
14 deeds recorded with the Dauphin County Recorder of Deeds:

- 15 Book Volume B-2, Page 453
- 16 Book Volume C-27, Page 231
- 17 Book Volume C-27, Page 233
- 18 Book Volume C-27, Page 234
- 19 Book Volume C-27, Page 236
- 20 Book Volume C-27, Page 239
- 21 Book Volume C-27, Page 241
- 22 Book Volume D-3, Page 560
- 23 Book Volume H-4, Page 317
- 24 Book Volume H-6, Page 476
- 25 Book Volume L-7, Page 367
- 26 Book Volume L-22, Page 212
- 27 Book Volume N-6, Page 215
- 28 Book Volume N-22, Page 507
- 29 Book Volume P-11, Page 1
- 30 Book Volume Q-22, Page 498

1 Book Volume T-2, Page 313
2 Book Volume U-6, Page 551
3 Book Volume V-6, Page 401
4 Book Volume V-8, Page 555
5 Book Volume W.B.-N, Page 416
6 Book Volume X-25, Page 461
7 Book Volume X-6, Page 221
8 Book Volume Y-2, Page 333

9 LESS AND EXCEPTING all prior conveyances appearing of record.

10 (c) Survey required.--The final legal description of the
11 property to be sold shall be established by a survey prepared by
12 a Pennsylvania-licensed land surveyor under a contract with the
13 Department of General Services. The property to be sold shall
14 exclude the following Commonwealth-owned facilities, including
15 suitable grounds therefore and such easements and other
16 appurtenances as are necessary or desirable for the current and
17 future operation of such facilities, each of which is currently
18 located on a portion of the property:

- 19 (1) Pennsylvania State Police Headquarters.
- 20 (2) Pennsylvania Game Commission Headquarters.
- 21 (3) Pennsylvania Fish and Boat Commission Headquarters.
- 22 (4) Pennsylvania Emergency Management Agency
23 Headquarters.
- 24 (5) Department of Agriculture Headquarters.
- 25 (6) Department of Agriculture - Farm Show Complex or
26 Parking Facilities.
- 27 (7) Department of Military and Veterans Affairs - 28th
28 Division Headquarters.
- 29 (8) Department of Transportation - Materials Testing
30 Laboratory.

1 (9) Department of Transportation - Vehicle Maintenance
2 Facility.

3 (10) Pennsylvania Senate and Pennsylvania House of
4 Representatives - Mailroom and Print Shop Facility.

5 (11) Any other portion of the property required for
6 Commonwealth operations as determined by the Department of
7 General Services.

8 The Department of General Services shall consult with each
9 entity having jurisdiction and control over the facilities
10 enumerated in this subsection or any other portion of the
11 property before establishing final property boundaries to ensure
12 that adequate property is retained for current and future
13 operations. The subdivision of this property shall be exempt
14 from the provisions of the act of July 31, 1968 (P.L.805,
15 No.247), known as the Pennsylvania Municipalities Planning Code,
16 and local subdivision and land development ordinances.

17 (d) Conditions.--The conveyance shall be made under and
18 subject to all lawful and enforceable easements, servitudes and
19 rights of others, including but not confined to streets,
20 roadways and rights of any telephone, telegraph, water,
21 electric, gas or pipeline companies, as well as under and
22 subject to any lawful and enforceable estates or tenancies
23 vested in third persons appearing of record, for any portion of
24 the land or improvements erected thereon.

25 (e) Licensed facilities prohibited.--Any conveyance
26 authorized under this section shall be made under and subject to
27 the condition, which shall be contained in the deed of
28 conveyance, that no portion of the property conveyed shall be
29 used as a licensed facility, as defined in 4 Pa.C.S. § 1103
30 (relating to definitions), or any other similar type of facility

1 authorized under State law. The condition shall be a covenant
2 running with the land and shall be binding upon the Grantee, its
3 successors and assigns. Should the Grantee, its successors or
4 assigns, permit any portion of the property authorized to be
5 conveyed in this act to be used in violation of this subsection,
6 the title shall immediately revert to and revest in the Grantor.

7 (f) Deed of conveyance.--The deed of conveyance shall be by
8 Special Warranty Deed and shall be executed by the Secretary of
9 General Services in the name of the Commonwealth of
10 Pennsylvania.

11 (g) Costs and fees.--Costs and fees incidental to this
12 conveyance shall be borne by the Grantee.

13 (h) Time period for conveyance.--In the event that the
14 Department of General Services does not convey the property
15 within ten years of the effective date of this section, the
16 authority contained in this section shall become null and void.

17 (i) Deposit of proceeds.--The proceeds from the sale shall
18 be deposited in the General Fund.

19 ~~Section 2. Release of educational use restriction in Cheltenham~~
20 ~~Township, Montgomery 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 for consideration of \$700,000~~
24 ~~to release the educational use restriction and reversionary~~
25 ~~covenant placed on a certain parcel of land, with improvements,~~
26 ~~conveyed to Temple University under the authority of section~~
27 ~~2409 A(c) of the act of April 9, 1929 (P.L.177, No.175), known~~
28 ~~as The Administrative Code of 1929. The property to be released~~
29 ~~from the use restriction and reversionary covenant is described~~
30 ~~as follows:~~

1 ~~ALL THAT CERTAIN piece or parcel of ground with the buildings~~
2 ~~and improvements erected thereon, situate in Cheltenham~~
3 ~~Township, Montgomery County, and described according to a Plan~~
4 ~~of Temple University Tyler Art School made by George B. Mebus,~~
5 ~~Inc., Engineers, dated October 8, 1969, as follows to wit:~~

6 ~~BEGINNING at a point on the former center line of Penrose~~
7 ~~Avenue (55 feet wide as widened 5.00 on the Northwesterly side~~
8 ~~from its former width of 50 feet) said point being at a distance~~
9 ~~of 592.96 feet measured North 41 degrees 21 minutes East from a~~
10 ~~point of intersection which the said former center line of~~
11 ~~Penrose Avenue makes with the center line of Beech Avenue (50~~
12 ~~feet wide); thence from the place of BEGINNING and along the~~
13 ~~said former center line of Penrose Avenue 41 degrees 21 minutes~~
14 ~~East 256.00 feet to a point; thence along the Northwesterly line~~
15 ~~of land now or late of Temple University and partly crossing the~~
16 ~~bed of Penrose Avenue South 48 degrees 44 minutes 39 seconds~~
17 ~~East 240.21 feet to a point; thence through land now or late of~~
18 ~~Temple University, of which this is a part, the eight (8)~~
19 ~~following courses and distances (1) South 41 degrees 21 minutes~~
20 ~~West 82.00 feet to a point; thence (2) North 48 degrees 39~~
21 ~~minutes West 16.00 feet to a point; thence (3) South 41 degrees~~
22 ~~21 minutes West 44.90 feet to a point; thence (4) South 48~~
23 ~~degrees 39 minutes East 53.50 feet to a point; thence (5) North~~
24 ~~41 degrees 21 minutes East 25.00 feet to a point; thence (6)~~
25 ~~South 48 degrees 39 minutes East 33.93 feet to a point; thence~~
26 ~~(7) North 41 degrees 21 minutes East 49.74 feet to a point;~~
27 ~~thence (8) South 42 degrees 28 minutes 50 seconds East 221.48~~
28 ~~feet to appoint on the center line of a lane (15 feet wide);~~
29 ~~thence along the center line of the Lane the four (4) following~~
30 ~~courses and distances (1) South 52 degrees 00 minutes West 2.41~~

1 ~~feet to a point; thence (2) South 67 degrees 39 minutes West~~
2 ~~90.55 feet to a point; thence (3) South 53 degrees 51 minutes 24~~
3 ~~seconds West 55.20 feet to a point; thence (4) South 44 degrees~~
4 ~~54 minutes West 73.35 feet to a point; thence through land now~~
5 ~~or late of Temple University the nine (9) following courses and~~
6 ~~distances (1) North 48 degrees 44 minutes 39 seconds West 188.77~~
7 ~~feet to a point; thence (2) North 41 degrees 21 minutes East~~
8 ~~25.00 feet to a point; thence (3) North 48 degrees 44 minutes 39~~
9 ~~seconds West 14.00 feet to a point; thence (4) North 41 degrees~~
10 ~~21 minutes East 32.00 feet to a point; thence (5) North 48~~
11 ~~degrees 44 minutes 39 seconds West 41.00 feet to a point; thence~~
12 ~~(6) North 41 degrees 21 minutes East 25.00 to a point; thence~~
13 ~~(7) North 48 degrees 44 minutes 39 seconds West 55.00 feet to a~~
14 ~~point; thence (8) South 41 degrees 21 minutes West 51.00 feet to~~
15 ~~a point; thence (9) North 48 degrees 44 minutes 39 seconds West~~
16 ~~and partly re crossing Penrose Avenue 176.00 feet to a point on~~
17 ~~the aforementioned former center line Penrose Avenue, the place~~
18 ~~of BEGINNING.~~

19 ~~BEING the same property conveyed to Temple University by the~~
20 ~~Commonwealth of Pennsylvania, acting by and through the~~
21 ~~Department of General Services, by its deed, dated February 17,~~
22 ~~1998, and recorded in the Montgomery County Recorder of Deeds in~~
23 ~~Deed Book 5222, Page 393.~~

24 ~~(b) Execution of necessary legal instruments. Any legal~~
25 ~~instruments necessary to release the restrictive covenant and~~
26 ~~reversionary interest shall be executed by the Secretary of~~
27 ~~General Services in the name of the Commonwealth of~~
28 ~~Pennsylvania.~~

29 ~~(c) Costs and fees. Costs and fees incidental to removing~~
30 ~~the use restriction and reversionary covenant shall be borne by~~

1 ~~Temple University.~~

2 ~~(d) Deposit of proceeds. The proceeds received by the~~
3 ~~Department of General Services from Temple University for~~
4 ~~consideration of release of the restrictive covenant and~~
5 ~~reversionary interest shall be deposited into the General Fund.~~

6 Section 3 2. Effective date.

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7 This act shall take effect immediately.