

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1968 Session of 2015

INTRODUCED BY CHRISTIANA, NEUMAN, KORTZ AND MICCARELLI, APRIL 7, 2016

SENATOR FOLMER, STATE GOVERNMENT, IN SENATE, AS AMENDED, OCTOBER 19, 2016

AN ACT

1 Authorizing the Department of General Services, with the
2 approval of the Pennsylvania Historical and Museum Commission
3 and the Governor, to grant and convey to the Bradford House
4 Historical Association certain lands situate in the City of
5 Washington, Washington County; and to grant and convey, at a
6 price to be determined through a competitive bid process,
7 certain lands, buildings and improvements situate in South
8 Strabane Township, Washington County; and authorizing the <--
9 Department of General Services, with the approval of the
10 Department of Military and Veterans Affairs and the Governor,
11 to grant and convey to the Salvation Army, or its successors
12 or assigns, certain lands, buildings and improvements situate
13 in the Borough of East Stroudsburg, Monroe County; AND <--
14 AUTHORIZING THE DEPARTMENT OF GENERAL SERVICES, WITH THE
15 APPROVAL OF THE GOVERNOR, TO GRANT AND CONVEY TO ACMIII, LP,
16 CERTAIN LANDS OF THE COMMONWEALTH OF PENNSYLVANIA SITUATE IN
17 DERRY TOWNSHIP, WESTMORELAND COUNTY.

18 The General Assembly of the Commonwealth of Pennsylvania
19 hereby enacts as follows:

20 Section 1. Conveyance in City of Washington, Washington County.

21 (a) Authorization.--The Department of General Services, with
22 the approval of the Pennsylvania Historical and Museum
23 Commission and the Governor, is hereby authorized on behalf of
24 the Commonwealth to grant and convey to the Bradford House

1 Historical Association certain lands and any improvements  
2 thereon described under subsection (b), the property being known  
3 locally as the historic David Bradford House, situate in the  
4 City of Washington, Washington County, for \$1.

5 (b) Property description.--The property to be conveyed under  
6 this section consists of two parcels of land containing 0.29  
7 acres, including any improvements located thereon, situate in  
8 the First Ward of the City of Washington, Washington County,  
9 more particularly described as follows:

10 Parcel No. 710-002-00-02-0013-00

11 ALL THAT CERTAIN lot or parcel of land situate in the First  
12 Ward of the City of Washington, Washington County, Pennsylvania,  
13 and shown upon a plan entitled Survey of Bradford House  
14 Property, prepared by Engelhardt-Power & Associates, Inc.,  
15 Washington, Pennsylvania, Drawing No. C-2711, dated August 1999;  
16 bounded and described as follows:

17 BEGINNING at a point on South Main Street on the line  
18 dividing the property herein conveyed and property N/F Kenneth  
19 R. and Sandra K. Dyson; thence along the Western line of South  
20 Main Street, South 11° 38' East a distance of 18.36 feet to a  
21 point on the line dividing the lot hereby conveyed and property  
22 of the Commonwealth of Pennsylvania; thence along the line of  
23 said land South 78° 22' West a distance of 100 feet to a point  
24 marked by a railroad spike; thence continuing along said land  
25 North 11° 38' West a distance of 5 feet to an iron pipe; thence  
26 continuing along said land, South 78° 22' West a distance of 142  
27 feet to a point on line dividing the property hereby conveyed  
28 and lot N/F of John T. and Rose Luongo; thence along the line of  
29 the lot of the said John T. and Rose Luongo North 11° 38' West a  
30 distance of 13.36 feet to a point on line dividing the lot

1 hereby conveyed and property N/F Kenneth R. and Sandra K. Dyson;  
2 thence by the line of said property North 78° 22' East a  
3 distance of 242 feet to a point on South Main Street, the place  
4 of BEGINNING.

5 CONTAINING 0.08 acres.

6 BEING the same piece or parcel of land conveyed to the  
7 General State Authority from Coen Oil Company by deed dated  
8 April 3, 1963 and recorded April 5, 1963 in the Office of the  
9 Recorder of Deeds of Washington County, Pennsylvania, in Deed  
10 Book 1149, Page 289. The Department of General Services is the  
11 successor to the General State Authority pursuant to Act 45 of  
12 1975.

13 TOGETHER with easements and rights of way fully set forth in  
14 the deed to the Commonwealth of Pennsylvania, of record, recited  
15 in Deed Book 1149, Page 289, and which are as follows:

16 The free and uninterrupted use, liberty and privilege of, and  
17 passage in, along, over and upon a certain alley or passageway  
18 of the width of ten feet, extending from Strawberry Alley to the  
19 line of lot formerly owned by Charles W. McWreath, and being the  
20 same easement or right of way granted and conveyed to Gennie E.  
21 Wilson (predecessor in title of the said Charlotta W. Wilson),  
22 by Rachel M. Henderson, by deed dated April 11, 1895 and  
23 recorded in said Recorder's Office in Deed Book 200, at Page 68.

24 The free and uninterrupted use, liberty and privilege of, and  
25 passage in, along and over, a strip of ground fifteen feet in  
26 width at the Western end of the lot of ground lying to the North  
27 of the premises herein conveyed, N/F owned by First Federal  
28 Savings and Loan Association of Washington, which said fifteen  
29 foot strip of ground extends from the Northern line of the  
30 Western end of the lot herein conveyed, to the Northern line of

1 said lot N/F owned by First Federal Savings & Loan Association,  
2 where the Northern line of the N/F First Federal Savings & Loan  
3 Association's lot adjoins a private alley leading from  
4 Strawberry Alley to the lot of said First Federal Savings & Loan  
5 Association; together with free ingress, egress and regress to  
6 and for George F. Brink and Jay R. Brink, his wife, their heirs  
7 and assigns, their tenants and under-tenants, lessees, occupiers  
8 or possessors of the lot hereinabove conveyed, at all times and  
9 seasons forever hereafter, into, along, over and out of the said  
10 fifteen foot strip of ground, in common with the said First  
11 Federal Savings & Loan Association of Washington, its successors  
12 and assigns, its tenants or occupiers. The right of way or  
13 passage in and over the premises last above described is the  
14 same granted and conveyed to the said Charlotta W. Wilson by  
15 Gennie E. Wilson, widow, by deed dated April 24, 1936 and  
16 recorded in said Recorder's Office in Deed Book 603, at Page  
17 610.

18 The premises above described are subject to all the  
19 exceptions, reservations, restrictions, covenants, conditions  
20 and limitations set forth and contained in an Article of  
21 Agreement entered into between First Federal Savings & Loan  
22 Association of Washington and Charlotta W. Wilson, dated April  
23 1, 1946, in Deed Book 711, Page 595.

24 The property mentioned in above easements and rights of way  
25 as being the property of First Federal Savings and Loan  
26 Association is N/F owned by Charles W. McWreath by deed from  
27 First Federal Savings and Loan Association dated August 10,  
28 1946, and recorded in Deed Book 706, Page 348.

29 Parcel No. 710-002-00-02-0014-00

30 ALL THAT CERTAIN lot or parcel of land situate in the First

1 Ward of the City of Washington, Washington County, Pennsylvania,  
2 and shown upon a plan entitled Survey of Bradford House  
3 Property, prepared by Engelhardt-Power & Associates, Inc.,  
4 Drawing No. C-2711, dated August 1999; bounded and described as  
5 follows:

6 BEGINNING at a point on South Main Street, on the line  
7 dividing the property hereby conveyed and property of the  
8 Commonwealth of Pennsylvania; thence along said South Main  
9 Street South  $11^{\circ} 38'$  East, 35.0 feet to a point; thence South  
10  $78^{\circ} 22'$  West, 242 feet to an existing railroad spike set; thence  
11 North  $11^{\circ} 38'$  West 40 feet to a point on the line dividing the  
12 lot hereby conveyed and property of the Commonwealth of  
13 Pennsylvania; thence along the same North  $78^{\circ} 22'$  East 142.0  
14 feet to a point; thence by the same South  $11^{\circ} 38'$  East 5.0 feet  
15 to a point; thence by same North  $78^{\circ} 22'$  East 100 feet to a  
16 point on South Main Street the place of BEGINNING.

17 CONTAINING 0.21 acres.

18 BEING the same piece or parcel of land conveyed by Charles W.  
19 McWreath and Laurabelle McWreath, husband and wife, to the  
20 Commonwealth of Pennsylvania by deed dated August 17, 1959 and  
21 recorded in the Office of the Recorder of Deeds of Washington  
22 County, Pennsylvania, in Deed Book 1055, Page 252.

23 TOGETHER with the free and uninterrupted right of way into,  
24 upon, over, along and through an alley or passageway on the  
25 south side of the premises above described, which said right of  
26 way was originally created under an Agreement of Sale for a lot  
27 adjoining the premises above described, entered into between  
28 Hugh Wilson, (predecessor in title of the said Anne Finn  
29 Sutter), and Alexander Sweeney, dated June 30, 1826, and of  
30 record in said Recorder's Office in Deed Book P, Volume 2, Page

1 373. The said agreement provided that the alley on the north  
2 side of the lot therein referred to "and between it and Blaine's  
3 lot", (the latter being the lot above described), was "to remain  
4 as it is for the use and benefit of the adjoining lots  
5 forever". The said Hugh Wilson having died without carrying out  
6 the terms of said written agreement, the Executors of the said  
7 Hugh Wilson presented a petition to the Court of Common Pleas of  
8 Washington County, asking for leave to prove said contract and  
9 for leave to execute a deed to the said Alexander Sweeney,  
10 conveying the property mentioned in said contract. On December  
11 26, 1832, the Court, after considering said petition, ordered  
12 and decreed that Isaac Leet, John K. Wilson and John Marshel,  
13 Executors of said Hugh Wilson, should make and execute a deed to  
14 the said Alexander Sweeney for the premises described in said  
15 contract. The said Executors, pursuant to said Order and  
16 Decree, on the 31st day of December, 1832, executed and  
17 delivered a deed conveying said premises to said Alexander  
18 Sweeney, which deed is recorded in Deed Book Q, Volume 2, Page  
19 85, and in said deed it was provided that the "alley" on the  
20 north side of the lot thereby conveyed "and between it and  
21 Blaine's lot", (the premises above described and conveyed),  
22 should remain as it then was for the use and benefit of the  
23 adjoining lots forever.

24 (c) Requirement for conveyance.--The conveyance under this  
25 section shall be made under and subject to all lawful and  
26 enforceable easements, servitudes and rights of others,  
27 including, but not confined to, streets, roadways and rights of  
28 any telephone, telegraph, water, electric, gas or pipeline  
29 companies, as well as under and subject to any lawful and  
30 enforceable estates or tenancies vested in third persons

1 appearing of record, for any portion of the land or improvements  
2 erected thereon.

3 (d) Condition.--Any conveyance authorized under this section  
4 shall be made under and subject to the condition, which shall be  
5 contained in the deed of conveyance, that no portion of the  
6 property conveyed shall be used as a licensed facility, as  
7 defined under 4 Pa.C.S. § 1103 (relating to definitions), or any  
8 other similar type of facility authorized under State law. The  
9 condition shall be a covenant running with the land and shall be  
10 binding upon the grantee and its successors. Should the grantee  
11 or its successors permit any portion of the property authorized  
12 to be conveyed in this section to be used in violation of this  
13 subsection, the title shall immediately revert to and revest in  
14 the grantor.

15 (e) Restrictive covenants.--The following restrictive  
16 covenants shall be included in the deed of conveyance:

17 Declaration of Restrictive Covenants for Historic Preservation

18 David Bradford House

19 City of Washington, Washington County, Pennsylvania

20 (1) Covenants. In consideration of the conveyance of the  
21 aforementioned real property, Grantee covenants and agrees for  
22 itself, its heirs, administrators, successors, and assigns that  
23 the said herein conveyed property shall be subject to the  
24 following historic preservation restrictions, and shall do or  
25 refrain from doing with respect to the subject property all acts  
26 required or prohibited by the following preservation  
27 restrictions:

28 (A) Maintenance and Preservation. The David  
29 Bradford House shall be maintained and preserved as a  
30 historic site accessible by the public and for a

1 demonstrable public benefit with maintenance and  
2 preservation standards acceptable to the Pennsylvania  
3 Historical and Museum Commission.

4 (B) Historic Structures. The David Bradford  
5 House, historic structures and buildings that  
6 comprise the property shall be maintained and  
7 preserved in accordance with the Secretary of the  
8 Interior's Standards for the Treatment of Historic  
9 Properties.

10 (C) Landscape. The landscape of the David  
11 Bradford House shall be preserved in a manner  
12 consistent with the historic characteristics of the  
13 subject property and shall not be used in any manner  
14 that would impair or interfere with the historic  
15 interpretation of the subject property.

16 (D) Prohibited Uses. No construction,  
17 alteration, rehabilitation, remodeling, demolition,  
18 site development, ground disturbance, removal of  
19 buildings, addition of buildings, or use inconsistent  
20 with this covenant, or any other action, shall be  
21 undertaken or permitted to the subject property  
22 without the prior written approval of the  
23 Pennsylvania Historical and Museum Commission.

24 (E) Alterations/Modifications/Repairs. With the  
25 prior written approval of the Pennsylvania Historical  
26 and Museum Commission, alterations, modifications,  
27 repairs or other work may be permitted to the subject  
28 property, provided:

29 (I) Notice. Timely notice shall be afforded  
30 to the Commission in advance of any such



1 requested work on the subject property.

2 (II) Time. The Commission shall have 45 days  
3 from the date of receipt of such notice to review  
4 and approve the requested work in writing.

5 Consent shall be implied if the Commission does  
6 not issue a written response approving the  
7 request.

8 (F) Archeology and Other Ground Disturbing  
9 Activities. Mining, excavating, dredging or removing  
10 from the subject property any natural resource which  
11 removal would alter the historic value of the  
12 property is prohibited without the prior written  
13 approval of the Commission. Archeological  
14 investigation may be required by the Commission for  
15 any ground disturbing work and Grantee shall bear  
16 full financial responsibility for any such work. The  
17 following shall apply:

18 (I) Archeological discoveries. In the event  
19 archeological materials are discovered during any  
20 ground disturbing activities, work shall  
21 temporarily cease and the Commission shall be  
22 consulted for guidance and direction before  
23 ground disturbing work may continue.

24 (II) Standards for Archeology. Any  
25 archeological work conducted on the subject  
26 property shall be performed in accordance with  
27 the Secretary of the Interior's Standards and  
28 Guidelines for Archeological Documentation and  
29 any further standards and guidelines the  
30 Commission may require.

1 (2) Inspection and Compliance. The Commonwealth of  
2 Pennsylvania, by and through the Pennsylvania Historical and  
3 Museum Commission, reserves the right to enforce these  
4 preservation restrictions and shall, at all reasonable times and  
5 upon reasonable notice, have access to the subject property for  
6 purposes of inspection and compliance with these historic  
7 preservation restrictions.

8 (3) Right of Reverter. The Commonwealth of Pennsylvania, by  
9 and through the Pennsylvania Historical and Museum Commission,  
10 hereby reserves for itself, heirs, successors and assigns, a  
11 right of reverter on the David Bradford House, which shall  
12 revert to and reinvest in the Commonwealth by operation of law  
13 should any sale, transfer, or use of the David Bradford House be  
14 inconsistent with or in violation of the restrictions contained  
15 herein. The Commission may waive this provision provided Grantee  
16 petitions the Commission, in writing, for such waiver.

17 (4) Exclusion. The Grantee agrees that the Commonwealth of  
18 Pennsylvania, by and through any of its agencies, in no way  
19 assumes any obligation whatsoever for maintaining, repairing, or  
20 administering the subject property covered by these restrictive  
21 covenants for historic preservation.

22 (5) Duration. These restrictive covenants for historic  
23 preservation shall be binding in perpetuity on Grantee, its  
24 heirs, administrators, successors, and assigns and shall be  
25 applicable to both the land and buildings and shall be deemed to  
26 run with the land.

27 (f) Executed.--The deed of conveyance shall be executed by  
28 the Secretary of General Services in the name of the  
29 Commonwealth of Pennsylvania.

30 (g) Costs and fees.--Costs and fees incidental to the

1 conveyance authorized under this section shall be borne by the  
2 grantee.

3 (h) Expiration.--If the conveyance authorized under this  
4 section is not effectuated within one year of the effective date  
5 of this section, the authority provided under this section shall  
6 expire.

7 Section 2. Conveyance in South Strabane Township, Washington  
8 County.

9 (a) Authorization.--The Department of General Services, with  
10 the approval of the Governor, is hereby authorized on behalf of  
11 the Commonwealth of Pennsylvania to grant and convey, at a price  
12 to be determined through a competitive bidding process, the  
13 tract of land together with any buildings, structures or  
14 improvements thereon described in subsection (b), situate in  
15 South Strabane Township, Washington County.

16 (b) Property description.--The property to be conveyed under  
17 this section consists of a tract of land totaling approximately  
18 3.0-acres, including any and all improvements located thereon,  
19 more particularly described as follows:

20 ALL THAT CERTAIN piece or parcel of land located in South  
21 Strabane Township, Washington County, Pennsylvania, bounded and  
22 described as follows:

23 BEGINNING at a point in the center line of Murtland Avenue,  
24 9.64 feet, Southwardly, from the present corner of property of  
25 the Commonwealth of Pennsylvania, and also in the line of its  
26 Western boundary line; thence crossing a part of Murtland Avenue  
27 and by the property of the Commonwealth, North 0°19'44" West,  
28 for a distance of 509.64 feet, to a concrete monument; thence by  
29 property of the parties of the first part, the following courses  
30 and distances, South 84°16'30" West for a distance of 100.00

1 feet to a point; thence North 87°14' West for a distance of  
2 120.56 feet to a point; thence North 84°38' West for a distance  
3 of 36.56 feet to a point; thence South 0°19'44" East for a  
4 distance of 509.64 feet to the center line of Murtland Avenue;  
5 thence by the same, using chords instead of arcs of a circle,  
6 South 84°36' East for a distance of 56.68 feet; thence South  
7 67°14' East for a distance of 120.56 feet; thence North  
8 84°16'30" East for a distance of 100.00 feet, to the place of  
9 BEGINNING.

10 CONTAINING 3.00 Acres, according to a survey made by H. H.  
11 Streator, engineer, in January, 1946.

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

20 (d) Execution of deed.--The deed of conveyance shall be  
21 executed by the Secretary of General Services in the name of the  
22 Commonwealth of Pennsylvania.

23 (e) Deposit of proceeds.--The proceeds from the sale shall  
24 be deposited in the General Fund.

25 Section 3. Conveyance in East Stroudsburg Borough, Monroe  
26 County.

27 (a) Authorization.--The Department of General Services, with  
28 the approval of the Department of Military and Veterans Affairs  
29 and the Governor, is hereby authorized on behalf of the  
30 Commonwealth of Pennsylvania to grant and convey to the

1 Salvation Army, or its successors or assigns, the following  
2 tract of land together with any buildings, structures or  
3 improvements thereon, situate in the Borough of East  
4 Stroudsburg, Monroe County, for \$75,000, and under terms and  
5 conditions to be established in an Agreement of Sale with the  
6 Department of General Services.

7 (b) Property description.--The property to be conveyed  
8 pursuant to subsection (a) consists of approximately 0.60-acres  
9 of land and improvements located thereon, bounded and more  
10 particularly described as follows:

11 ALL THAT CERTAIN lot or piece of land with improvements  
12 thereon erected, situate in the Borough of East Stroudsburg,  
13 County of Monroe and Commonwealth of Pennsylvania, bounded and  
14 described, as follows, to wit:

15 BEGINNING at an iron bolt in the southeasterly side of  
16 Washington Street, a corner of this and also of lands now or  
17 late of William A. Gilbert Company, thence extending along the  
18 southeasterly side of Washington Street, with bearings from the  
19 Magnetic Meridian of 1902, north thirty-four degrees fifteen  
20 minutes east, one hundred and eleven feet to a corner of lands  
21 now or formerly of Edith Brockley, thence by the said land  
22 crossing the head of a certain alley fifteen feet wide, (which  
23 head line of said alley is fifteen and forty-seven one-  
24 hundredths feet) and extending along other land of Luther S.  
25 Hoffmann and others of which this was part, two hundred and  
26 twenty-seven and fifty-seven one-hundredths feet to a point,  
27 thence by other land of Luther S. Hoffmann, south twenty-seven  
28 degrees thirty-five minutes east forty-two and three-tenths feet  
29 to a corner of concrete wall in the northwesterly side of East  
30 Brown or Brown Street, thence south sixty-two degrees fifteen

1 minutes west along the said side of East Brown or Brown Street  
2 one hundred and two and five-tenths feet to an iron bolt a  
3 corner of this and land now or late of William A. Gilbert  
4 Company, thence along the same north fifty-five degrees forty  
5 minutes west two hundred and fifteen and one-tenth feet to the  
6 place of BEGINNING.

7 Containing 0.60 acres, more or less.

8 BEING Parcel ID No. 05730120719604.

9 BEING the same premises conveyed from Monroe Armory  
10 Association, to the Commonwealth of Pennsylvania, by deed dated  
11 October 11, 1922 and recorded in the Monroe County Recorder of  
12 Deeds Office in Deed Book Volume 88, Page 2.

13 (c) Requirement for conveyance.--The conveyance shall be  
14 made under and subject to all lawful and enforceable easements,  
15 servitudes and rights of others, including but not confined to  
16 streets, 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 section  
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 act to be used in

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

3 (e) Discretion of Secretary of General Services.--The  
4 Secretary of the Department of General Services shall have the  
5 authority to impose any covenants, conditions and restrictions  
6 as deemed in the best interests of the Commonwealth.

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

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

12 (h) Deposit of proceeds.--The proceeds from the sale shall  
13 be deposited in the State Treasury Armory Fund.

14 (i) Alternate disposition.--In the event that this  
15 conveyance is not executed per the terms and conditions as  
16 established in the Agreement of Sale, with the Department of  
17 General Services, the property may be disposed of by competitive  
18 bid.

19 SECTION 4. CONVEYANCE IN DERRY TOWNSHIP, WESTMORELAND COUNTY. <--

20 (A) AUTHORIZATION.--THE DEPARTMENT OF GENERAL SERVICES, WITH  
21 THE APPROVAL OF THE GOVERNOR, IS HEREBY AUTHORIZED ON BEHALF OF  
22 THE COMMONWEALTH OF PENNSYLVANIA TO GRANT AND CONVEY TO ACMIII,  
23 LP CERTAIN LANDS, AND ANY IMPROVEMENTS LOCATED THEREON, SITUATE  
24 IN DERRY TOWNSHIP, WESTMORELAND COUNTY, FOR \$36,000.00 AND UNDER  
25 TERMS AND CONDITIONS TO BE ESTABLISHED IN AN AGREEMENT OF SALE  
26 WITH THE DEPARTMENT OF GENERAL SERVICES.

27 (B) PROPERTY DESCRIPTION.--THE PROPERTY TO BE CONVEYED  
28 PURSUANT TO THIS SECTION CONSISTS OF A TRACT OF LAND TOTALING  
29 11.40 ACRES MORE OR LESS, AND ANY IMPROVEMENTS THEREON, BOUNDED  
30 AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

1 ALL THAT CERTAIN LOT OR PIECE OF LAND SITUATE IN DERRY  
2 TOWNSHIP, COUNTY OF WESTMORELAND, DESCRIBED AS FOLLOWS, TO WIT:  
3 BEGINNING AT A POINT IN TORRANCE ROAD WHERE SAID POINT IS AT  
4 THE INTERSECTION OF PARCEL 3 AND PARCEL 4 OF THE LANDS OF N/F  
5 ACM III LP, THENCE FROM SAID POINT OF BEGINNING, SOUTH 18  
6 DEGREES 35 MINUTES 13 SECONDS WEST, A DISTANCE OF 1632.45 FEET  
7 TO A POINT BEING THE MOST NORTHERLY POINT OF SAID PARCEL BEING  
8 THE TRUE PLACE OF BEGINNING, THENCE FROM SAID POINT AND THROUGH  
9 LANDS OF ACM III LP PARCEL 3, SOUTH 44 DEGREES 44 MINUTES 12  
10 SECONDS EAST, A DISTANCE OF 554.39 FEET TO AN IRON PIN, THENCE  
11 BY SAME, SOUTH 31 DEGREES 54 MINUTES 59 SECONDS WEST, A DISTANCE  
12 OF 815.16 FEET TO AN IRON PIN, THENCE BY SAME, NORTH 51 DEGREES  
13 06 MINUTES 59 SECONDS WEST, A DISTANCE OF 635.61 FEET TO AN IRON  
14 PIN, THENCE BY SAME, NORTH 37 DEGREES 56 MINUTES 51 SECONDS  
15 EAST, A DISTANCE OF 870.86 FEET TO AN IRON PIN BEING THE PLACE  
16 OF BEGINNING.

17 CONTAINING: 11.40-ACRES MORE OR LESS.

18 BEING TAX PARCEL NO. 45-18-00-0-074.

19 ALSO BEING THE SAME PREMISES CONVEYED BY H. C. FRICK CO. TO  
20 THE COMMONWEALTH OF PENNSYLVANIA BY DEED, DATED JULY 27, 1920,  
21 AND RECORDED IN THE RECORDER OF DEEDS OFFICE OF THE COUNTY OF  
22 WESTMORELAND IN DEED BOOK 704, PAGE 343.

23 (C) EASEMENTS.--THE CONVEYANCE SHALL BE MADE UNDER AND  
24 SUBJECT TO ALL LAWFUL AND ENFORCEABLE EASEMENTS, SERVITUDES AND  
25 RIGHTS OF OTHERS, INCLUDING, BUT NOT CONFINED TO, STREETS,  
26 ROADWAYS AND RIGHTS OF ANY TELEPHONE, TELEGRAPH, WATER,  
27 ELECTRIC, GAS OR PIPELINE COMPANIES, AS WELL AS UNDER AND  
28 SUBJECT TO ANY LAWFUL AND ENFORCEABLE ESTATES OR TENANCIES  
29 VESTED IN THIRD PERSONS APPEARING OF RECORD, FOR ANY PORTION OF  
30 THE LAND OR IMPROVEMENTS ERECTED THEREON.



1 (D) PROHIBITED USE.--ANY CONVEYANCE AUTHORIZED UNDER THIS  
2 SECTION SHALL BE MADE UNDER AND SUBJECT TO THE CONDITION, WHICH  
3 SHALL BE CONTAINED IN THE DEED OF CONVEYANCE, THAT NO PORTION OF  
4 THE PROPERTY CONVEYED SHALL BE USED AS A LICENSED FACILITY, AS  
5 DEFINED IN 4 PA.C.S. § 1103 (RELATING TO DEFINITIONS), OR ANY  
6 OTHER SIMILAR TYPE OF FACILITY AUTHORIZED UNDER STATE LAW. THE  
7 CONDITION SHALL BE A COVENANT RUNNING WITH THE LAND AND SHALL BE  
8 BINDING UPON THE GRANTEE, ITS SUCCESSORS AND ASSIGNS. SHOULD THE  
9 GRANTEE, ITS SUCCESSORS OR ASSIGNS, PERMIT ANY PORTION OF THE  
10 PROPERTY AUTHORIZED TO BE CONVEYED IN THIS SECTION TO BE USED IN  
11 VIOLATION OF THIS SUBSECTION, THE TITLE SHALL IMMEDIATELY REVERT  
12 TO AND REVEST IN THE GRANTOR.

13 (E) DEED.--THE DEED OF CONVEYANCE SHALL BE BY SPECIAL  
14 WARRANTY DEED AND SHALL BE EXECUTED BY THE SECRETARY OF GENERAL  
15 SERVICES IN THE NAME OF THE COMMONWEALTH OF PENNSYLVANIA.

16 (F) COSTS.--COSTS AND FEES INCIDENTAL TO THIS CONVEYANCE  
17 SHALL BE BORNE BY THE GRANTEE.

18 (G) ALTERNATE DISPOSITION.--IN THE EVENT THAT THE DEPARTMENT  
19 OF GENERAL SERVICES AND THE GRANTEE CANNOT REACH A MUTUALLY  
20 ACCEPTABLE AGREEMENT OF SALE WITHIN ONE YEAR FROM THE EFFECTIVE  
21 DATE OF THIS SECTION, THE PROPERTY MAY BE DISPOSED OF IN  
22 ACCORDANCE WITH SECTION 2405-A OF THE ACT OF APRIL 9, 1929  
23 (P.L.177, NO.175), KNOWN AS THE ADMINISTRATIVE CODE OF 1929.

24 (H) DEPOSIT OF PROCEEDS.--PROCEEDS FROM THE SALE SHALL BE  
25 DEPOSITED INTO THE GENERAL FUND.

26 Section 4 5. Effective date.

27 This act shall take effect immediately.

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