
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2442 Session of
2022

INTRODUCED BY KAUFER AND PICKETT, MARCH 23, 2022

REFERRED TO COMMITTEE ON STATE GOVERNMENT, MARCH 23, 2022

AN ACT

1 Authorizing the Department of General Services, with the
2 approval of the Governor, to grant and convey to the Borough
3 of Wyoming certain lands, buildings and improvements situate
4 in the Borough of Wyoming, Luzerne County.

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

7 Section 1. Conveyance in Borough of Wyoming, Luzerne 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 Borough of Wyoming the following tracts of land, together with
12 any buildings, structures or improvements thereon, situate in
13 the Borough of Wyoming, Luzerne County, for \$500,000, under
14 terms and conditions to be established in an agreement of sale.

15 (b) Property description.--The property to be conveyed under
16 subsection (a) consists of four tracts of land totaling
17 approximately 3.91 acres, including all buildings, structures
18 and improvements located thereon, more particularly described as
19 follows:

Tract 1

1
2 ALL THAT CERTAIN surface or right of soil of that certain
3 tract of land situated in the Borough of Wyoming, County of
4 Luzerne, and Commonwealth of Pennsylvania, bounded and described
5 as follows, to wit:

6 BEGINNING at a corner of land, late of Sarah Henry on Wyoming
7 Avenue, the main road leading through Wyoming Borough; thence
8 along Wyoming Avenue south forty nine and three-quarters ($49 \frac{3}{4}$)
9 degrees west, one hundred twenty one (121) feet to a corner;
10 thence north forty one and a half ($41 \frac{1}{2}$) degrees west two
11 hundred eight and one half ($208 \frac{1}{2}$) feet to a corner; thence
12 south forty nine and three quarters ($49 \frac{3}{4}$) degrees west sixteen
13 and one half ($16 \frac{1}{2}$) feet more or less to a corner of land late
14 of Payne Pettebone; thence north forty one and one half ($41 \frac{1}{2}$)
15 degrees west three hundred twenty six and nine tenths ($326 \frac{9}{10}$)
16 feet more or less to a corner of land late of J. P. Atherton;
17 thence north twenty five and one half ($25 \frac{1}{2}$) degrees east sixty
18 eight and one half ($68 \frac{1}{2}$) feet; thence north thirty eight and
19 one half ($38 \frac{1}{2}$) degrees east seventy seven (77) feet to the
20 corner of land, late of Sarah Henry; thence along the lands late
21 of said Sarah Henry south forty one and one half ($41 \frac{1}{2}$) degrees
22 east five hundred seventy five and six tenths (575.6) feet more
23 or less to the place of beginning.

24 CONTAINING one acre, one hundred ten and fifteen one
25 hundredths (110.15) rods of land more or less.

26 EXCEPTING and RESERVING all the coal and other minerals in
27 the same manner and to the same extent as the same are excepted
28 in several deeds in the chain of title to said land, in
29 particular in Deed of William and Isabella Hancock to Mount Look
30 Coal Company, dated February 27, 1893 and recorded in Deed Book

1 No. 314, Page 505, Luzerne County, Pennsylvania.

2 BEING the same tract of land conveyed by the Wyoming Realty
3 Company to the Commonwealth of Pennsylvania, by deed dated
4 November 4, 1946, and recorded November 21, 1946, in the Office
5 of the Recorder Deeds of Luzerne County, Pennsylvania, in Deed
6 Book 879, Page 417.

7 Tract 2

8 ALL THAT CERTAIN tract of land located in the Borough of
9 Wyoming, County of Luzerne, and Commonwealth of Pennsylvania,
10 described as follows:

11 BEGINNING at a corner in the Northwesterly side of Wyoming
12 Avenue, said corner being the divided line between lands now or
13 formerly of Grace M. Shoemaker and lands of now or formerly of
14 Gomer W. Morgan and Mary S. Morgan, his wife; thence by lands of
15 now or formerly Grace M. Shoemaker, North $41^{\circ} 30'$ West, a
16 distance of five hundred thirty-eight feet (538.0) to a point
17 across Abram's Creek; thence by lands now or formerly of the
18 Pennsylvania Coal Company, South $87^{\circ} 15'$ East, a distance of
19 thirty one feet (31.0) to a point; thence by same, North $28^{\circ} 45'$
20 East, a distance of sixteen and five tenths feet (16.5) to a
21 point; thence by same, North $25^{\circ} 30'$ East, a distance of thirty-
22 three and five tenths feet (33.5) to a point; thence, recrossing
23 Abram's Creek and lands of the Commonwealth of Pennsylvania,
24 South $41^{\circ} 30'$ East, a distance of three hundred twenty-nine feet
25 (329.0) to a point; thence by same, North $49^{\circ} 00'$ East, a
26 distance of seventeen feet (17.0) to a point; thence by same,
27 South $41^{\circ} 30'$ East, a distance of two hundred eight and fifty
28 one hundredths feet (208.50) to a point; thence along Wyoming
29 Avenue, South $49^{\circ} 00'$ West, a distance of eighty eight feet
30 (88.0) to the place of beginning.

1 CONTAINING .9 acres, more or less.

2 BEING the same tract of land conveyed by Gomer W. Morgan and
3 Mary S. Morgan, his wife, to the General State Authority, by
4 deed dated February 18, 1955, and recorded February 18, 1955, in
5 the Office of the Recorder Deeds of Luzerne County,
6 Pennsylvania, in Deed Book 1264, Page 497.

7 Tract 3

8 ALL THAT CERTAIN tract of land located in the Borough of
9 Wyoming, County of Luzerne, and Commonwealth of Pennsylvania,
10 described as follows:

11 BEGINNING at a point in the dividing line between lands now
12 or formerly of Grace M. Shoemaker, widow, and Jemina Grey, said
13 point being one hundred eighty-five feet (185.0) North-westerly
14 from Wyoming Avenue; thence by lands now or formerly of Jemima
15 Gray, North 41° 30' West, a distance of one hundred two feet
16 (102.0) to a point in a wire fence; thence by lands now or
17 formerly of Mae Cooper VanHorn and crossing Abram's Creek, North
18 34° 00' West, a distance of two hundred ninety one feet (291.0)
19 to a point; thence by lands now or formerly of the Pennsylvania
20 Coal Company, South 87° 20' East, a distance of sixty and five
21 tenths feet (60.5) to a point; thence by lands of now or
22 formerly Gomer W. Morgan, et ux, South 41° 30' East, a distance
23 of three hundred fifty two feet (352.0) to a point; thence by
24 other lands now or formerly of Grace M. Shoemaker, South 49° 00'
25 West, a distance of eighty five and three tenths feet (85.3) to
26 the place of beginning.

27 CONTAINING .7 acres, more or less.

28 BEING the same tract of land conveyed by Grace M. Shoemaker,
29 widow, to the General State Authority, by deed dated February
30 17, 1955, and recorded February 18, 1955, in the Office of the

1 Recorder Deeds of Luzerne County, Pennsylvania, in Deed Book
2 1264, Page 500.

3 The Department of General Services is the successor to the
4 General State Authority pursuant to Act 45 of 1975.

5 Tract 1, Tract 2 and Tract 3 are collectively known as Tax
6 Parcel No. 67-E10SE4-001-003-000.

7 Tract 4

8 ALL THAT CERTAIN surface or right of soil of all that piece
9 or parcel of land located in the Borough of Wyoming, County of
10 Luzerne, and Commonwealth of Pennsylvania, bounded and described
11 as follows, to wit:

12 BEGINNING at a point on the Northwesterly side of Wyoming
13 Avenue, in the dividing line of land now or formerly of Grace M.
14 Shoemaker, widow, and land now or formerly of Jemina Grey;

15 THENCE along Wyoming Avenue in a Northeasterly direction,
16 85.3 feet to a corner of land of the General State Authority,
17 formerly of Mrs. William H. Shoemaker;

18 THENCE North 41 degrees 30 minutes West, 186.87 feet, more or
19 less, to a point in line of lands conveyed by Grace M.
20 Shoemaker, widow, to the General State Authority;

21 THENCE along said line South 49 degrees 00 minutes West, 85.3
22 feet, more or less, to a point;

23 THENCE South 41 degrees 30 minutes East, 185 feet, more or
24 less, to the place of beginning.

25 TOGETHER with and subject to all easements, covenants,
26 appurtenances, reservations and conditions, including the
27 sidewalk and bed of Wyoming Avenue as far as the title will
28 extend.

29 BEING the same piece or parcel of land acquired by the
30 General State Authority pursuant to Declaration of Taking, filed

1 in the Office of the Prothonotary of the Court of Common Pleas
2 of Luzerne County on January 4, 1973, at Docket No. 61 of 1973,
3 with a notice of the Declaration of Taking recorded at the
4 Office of the Recorder of Deeds of Luzerne County at Deed Book
5 1770, Page 631.

6 ALSO, BEING the same premises the General State Authority
7 conveyed to the Commonwealth of Pennsylvania, acting by and
8 through the Department of General Services, by deed dated June
9 19, 1989 (tract 131 only) and recorded March 25, 1991, in Deed
10 Book 2373, Page 1, at the Office of the Recorder of Deeds of
11 Luzerne County.

12 Tract 4 is known as Tax Parcel No. 67-E10SE4-001-013-000

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

1 conveyed under this section used in violation of this
2 subsection, the title shall immediately revert to and re-vest in
3 the grantor.

4 (e) Use restriction.--The following use restriction shall be
5 included in the deed:

6 Under and subject to the condition that the grantee, its
7 successors and assigns shall utilize the property solely for
8 the operation of a municipal/regional police department and
9 for no other purpose. Should the grantee, its successors or
10 assigns utilize the property for any other purpose, the
11 grantee, by its acceptance of this deed, on behalf of itself
12 and its successors and assigns, agrees to pay \$425,000 to the
13 grantor within 90 days after the change in use. Should the
14 grantee fail to pay such sum within such time frame, the
15 property shall, at the grantor's election, revert and re-vest
16 in the grantor. This provision is intended to create a fee
17 simple subject to a condition subsequent. This condition
18 shall terminate on the 10th anniversary of the date of this
19 deed and thereafter be of no further force or effect.

20 (f) Deed.--The conveyance shall be made by a special
21 warranty deed to be executed by the Secretary of General
22 Services in the name of the Commonwealth of Pennsylvania.

23 (g) Costs and fees.--Costs and fees incidental to this
24 conveyance shall be borne by the grantee.

25 (h) Alternate disposition.--If the conveyance is not
26 effectuated within two years after the effective date of this
27 section, the property may be disposed of in accordance with
28 section 2405-A of the act of April 9, 1929 (P.L.177, No.175),
29 known as The Administrative Code of 1929.

30 (i) Proceeds.--The proceeds from the sale shall be deposited

1 into the General Fund.

2 Section 2. Effective date.

3 This act shall take effect immediately.