

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2496 Session of
2022

INTRODUCED BY BOBACK, PICKETT AND MILLARD, APRIL 7, 2022

AS REPORTED FROM COMMITTEE ON STATE GOVERNMENT, HOUSE OF
REPRESENTATIVES, AS AMENDED, APRIL 13, 2022

AN ACT

1 Authorizing the Department of General Services, with the
2 approval of the Department of Agriculture and the Governor,
3 to grant and convey to Wyoming County, certain lands and
4 improvements situate in the Township of Tunkhannock, Wyoming
5 County-; AND AUTHORIZING THE DEPARTMENT OF GENERAL SERVICES, <--
6 WITH THE APPROVAL OF THE DEPARTMENT OF CORRECTIONS AND THE
7 GOVERNOR, TO GRANT AND CONVEY TO JOHN BRADLEY WIMER, CERTAIN
8 LANDS, BUILDINGS AND IMPROVEMENTS SITUATE IN THE CITY OF
9 PITTSBURGH, ALLEGHENY COUNTY.

10 The General Assembly of the Commonwealth of Pennsylvania
11 hereby enacts as follows:

12 Section 1. Conveyance in Township of Tunkhannock, Wyoming
13 County.

14 (a) Authorization for conveyance.--The Department of General
15 Services, with the approval of the Department of Agriculture and
16 the Governor, is hereby authorized on behalf of the Commonwealth
17 of Pennsylvania to grant and convey to Wyoming County, the
18 following tract of land together with any buildings, structures
19 or improvements thereon, situate in the Township of Tunkhannock,
20 Wyoming County, for \$125,000, under terms and condition to be
21 established in an agreement of sale.

1 (b) Property description.--The property to be conveyed
2 pursuant to subsection (a) consists of a tract of approximately
3 10.268 acres, including all buildings, structures and
4 improvements located thereon, more particularly described as
5 follows:

6 ALL THAT CERTAIN PIECE, PARCEL OR LOT OF LAND in the Township
7 of Tunkhannock, County of Wyoming, and Commonwealth of
8 Pennsylvania, bounded and described as follows:

9 Beginning at a stake situate at the intersection of the
10 common boundary line of lands now or formerly of Frank P.
11 Truskalaski and the lands herein described and the west line of
12 State Highway Route #92, thence along the west line of State
13 Highway Route #92, South 5 degrees 40 minutes East Five Hundred
14 (500') feet to a stake; thence along the line of lands now or
15 formerly of the Tunkhannock Industrial Foundation South 84
16 degrees 18 minutes West Nine Hundred Eighty-four and Ten-
17 Hundredths (984.10) feet to a stake in the east line of the
18 Lehigh Valley Railroad; thence along the east line of the Lehigh
19 Valley Railroad North 31 degrees 13 minutes West Three Hundred
20 Sixty-four and Fifty-five Hundredths (364.55') feet to a stake,
21 said stake being Southeast Five Hundred Thirty-five (535') feet
22 along the Lehigh Valley Railroad lands from the Northwest corner
23 of the lands now or formerly of Frank P. Truskalaski, thence
24 along the lands now or formerly of Frank P. Truskalaski North 75
25 degrees 47 minutes East One Thousand One Hundred Fifty-four and
26 Twenty Hundredths (1154.20) feet to a stake in the West line of
27 State Highway Route #92, the place of beginning.

28 BEING Tax Parcel No. 26-051-0-111-00-00-00.

29 BEING the same premises conveyed by The General State
30 Authority to the Commonwealth of Pennsylvania by deed dated June

1 16, 1989 and recorded January 12, 1990, in Wyoming County in
2 Deed Book Volume 256, Page 795.

3 (c) Existing encumbrances.--The conveyance shall be made
4 under and subject to all lawful and enforceable easements,
5 servitudes and rights of others, including, but not confined to
6 streets, roadways and rights of any telephone, telegraph, water,
7 electric, gas or pipeline companies, as well as under and
8 subject to any lawful and enforceable estates or tenancies
9 vested in third persons appearing of record, for any portion of
10 the land or improvements erected thereon.

11 (d) Condition.--Any conveyance authorized under this section
12 shall be made under and subject to the condition, which shall be
13 included in the deed of conveyance, that no portion of the
14 property conveyed shall be used as a "licensed facility," as
15 that term is defined in 4 Pa.C.S. § 1103 (relating to
16 definitions), or any similar type of facility authorized under
17 State law. The condition shall be a covenant running with the
18 land and shall be binding upon the grantee and its successors
19 and assigns. Should the grantee, its successors or assigns,
20 permit any portion of the property authorized to be conveyed in
21 this section to be used in violation of this subsection, the
22 title shall immediately revert to and revest in the grantor.

23 (e) Deed.--The conveyance shall be made by special warranty
24 deed to be executed by the Secretary of General Services in the
25 name of the Commonwealth of Pennsylvania.

26 (f) Covenants, conditions and restrictions.--The Secretary
27 of General Services may impose any covenants, conditions or
28 restrictions on the property described in subsection (b) at
29 settlement as determined to be in the best interests of the
30 Commonwealth.

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

(h) Alternate disposition.--In the event that the conveyance authorized in this section is not completed within one year after the effective date of this section, the authority to convey the property to Wyoming County as set forth in subsection (a) shall expire, and the property may be disposed of in accordance with Article XXIV-A of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929.

(i) Proceeds.--The proceeds from the sale shall be deposited into the General Fund.

SECTION 2. CONVEYANCE IN CITY OF PITTSBURGH, ALLEGHENY COUNTY. <--

(A) AUTHORIZATION.--THE DEPARTMENT OF GENERAL SERVICES, WITH THE APPROVAL OF THE DEPARTMENT OF CORRECTIONS AND THE GOVERNOR, IS HEREBY AUTHORIZED ON BEHALF OF THE COMMONWEALTH OF PENNSYLVANIA TO GRANT AND CONVEY THE FOLLOWING TRACTS OF LAND, TOGETHER WITH ANY BUILDINGS, STRUCTURES OR IMPROVEMENTS THEREON, SITUATE IN THE CITY OF PITTSBURGH, ALLEGHENY COUNTY, TO JOHN BRADLEY WIMER FOR \$140,000, UNDER TERMS AND CONDITIONS TO BE ESTABLISHED IN AN AGREEMENT OF SALE.

(B) PROPERTY DESCRIPTION.--THE PROPERTY TO BE CONVEYED PURSUANT TO SUBSECTION (A) CONSISTS OF TWO TRACTS TOTALING APPROXIMATELY 0.16 ACRE OF LAND, INCLUDING ALL BUILDINGS, STRUCTURES AND IMPROVEMENTS LOCATED THEREON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

ALL THOSE CERTAIN LOTS OR PIECES OF GROUND SITUATE IN THE 27TH WARD OF THE CITY OF PITTSBURGH (FORMERLY 11TH WARD OF THE CITY OF ALLEGHENY), COUNTY OF ALLEGHENY, AND COMMONWEALTH OF PENNSYLVANIA, BEING PART OF LOT NO. 20 IN MICHAEL GEYER HEIRS PLAN NO. 2, AS THE SAME IS RECORDED IN THE RECORDER'S OFFICE OF

1 ALLEGHENY COUNTY IN PLAN BOOK VOLUME 19, PAGE 177, BEING BOUNDED
2 AND DESCRIBED AS FOLLOWS, TO WIT:

3 BEGINNING AT A POINT ON THE WESTERLY SIDE OF SHADELAND
4 (FORMERLY GEYER) AVENUE AT THE DIVIDING LINE BETWEEN LOTS NOS.
5 21 AND 20 IN SAID PLAN; THENCE ALONG SAID WESTERLY SIDE OF
6 SHADELAND AVENUE, SOUTH 8 DEGREES 15 MINUTES EAST, A DISTANCE OF
7 49.0 FEET TO A POINT; THENCE SOUTH 81 DEGREES 45 MINUTES WEST,
8 AND PARALLEL WITH THE DIVIDING LINE BETWEEN SAID LOTS NOS. 21
9 AND 20, A DISTANCE OF 125 FEET TO A POINT; THENCE NORTH 6
10 DEGREES 15 MINUTES WEST AND PARALLEL WITH SAID SHADELAND AVENUE,
11 A DISTANCE OF 49.0 FEET TO THE DIVIDING LINE BETWEEN LOTS NOS.
12 21 AND 20 IN SAID PLAN; AND THENCE NORTH 81 DEGREES 45 MINUTES
13 EAST, ALONG THE DIVIDING LINE BETWEEN LOTS NOS. 21 AND 20, A
14 DISTANCE OF 125 FEET TO THE PLACE OF BEGINNING.

15 BEGINNING AT A POINT AT THE INTERSECTION OF LOTS NOS. 2, 3,
16 20 AND 21 IN SAID PLAN SAID POINT BEING DISTANT 142.5 FEET
17 EASTWARDLY MEASURED ALONG THE DIVIDING LINE BETWEEN LOTS NOS. 2
18 AND 3 IN SAID PLAN FROM THE EASTERLY SIDE OF MCCLURE AVENUE;
19 THENCE ALONG THE DIVIDING LINE BETWEEN LOTS NOS. 20 AND 21 IN
20 SAID PLAN; EASTWARDLY, 17.5 FEET TO LINE OF LAND OF LENORE
21 SCHWERD GETTY; THENCE ALONG SAID LAND, SOUTHWARDLY, 49.0 FEET TO
22 LINE OF LAND OF IRENE SCHWERD FISHER; THENCE ALONG SAID LAND,
23 PARALLEL WITH THE DIVIDING LINE BETWEEN LOTS NOS. 20 AND 21 IN
24 SAID PLAN, WESTWARDLY 17.5 FEET TO THE DIVIDING LINE BETWEEN
25 LOTS NOS. 3 AND 20 IN SAID PLAN; THENCE ALONG SAID DIVIDING
26 LINE, NORTHWARDLY, 49.0 FEET TO THE PLACE OF BEGINNING.

27 THE ABOVE TWO DESCRIBED PARCELS TOGETHER MAKE A LOT 49 FEET,
28 MORE OR LESS, FRONTING ON THE WESTERLY SIDE OF SHADELAND AVENUE
29 AND EXTENDING BACK THEREFROM A UNIFORM WIDTH OF 49 FEET TO A
30 UNIFORM DEPTH OF 142.5 FEET, AND HAVING ERECTED THEREON A TWO

1 AND ONE-HALF STORY BRICK BUILDING ON THE EASTERLY PORTION AND A
2 STUCCO GARAGE ON THE WESTERLY PORTION THEREOF, SAID LOT IN ITS
3 ENTIRETY BEING DESIGNATED AS BLOCK NO. 75-D, LOT NO. 136 IN THE
4 ALLEGHENY COUNTY DEED REGISTRY RECORDS.

5 UNDER AND SUBJECT TO A DRIVEWAY AGREEMENT OF AN ENTIRE WIDTH
6 TOTALING 7 ½ FEET WITH ITS CENTER LINE BEING THE BOUNDARY LINE
7 OF THE SOUTH SIDE OF THE LOT HEREIN CONVEYED AND THE NORTH SIDE
8 OR BOUNDARY OF LAND NOW OR FORMERLY OWNED BY I.S. FISHER, AS
9 PROVIDED IN THE SAID AGREEMENT BETWEEN IRENE SCHWERD FISHER,
10 WIDOW, AND LENORA SCHWERD GETTY, ALSO KNOWN AS LENORE SCHWERD
11 GETTY, WIDOW, DATED MARCH 15, 1947, AND RECORDED IN ALLEGHENY
12 COUNTY DEED BOOK VOLUME 2949, AT PAGE 69.

13 BEING THE SAME PREMISES CONVEYED BY JAMES J. CARSON, A SINGLE
14 MAN, AND MARGARET HALL-OWENS CARSON, WIDOW, TO THE COMMONWEALTH
15 OF PENNSYLVANIA BY DEED DATED JUNE 2, 1952 AND RECORDED AT THE
16 OFFICE OF THE RECORDER OF DEEDS OF ALLEGHENY COUNTY AT DEED BOOK
17 VOLUME 3172 PAGE 709.

18 BEING TAX PARCEL NO. 75-D-136.

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

27 (D) RESTRICTION.--ANY CONVEYANCE AUTHORIZED UNDER THIS
28 SECTION SHALL BE MADE UNDER AND SUBJECT TO THE CONDITION, WHICH
29 SHALL BE CONTAINED IN THE DEED OF CONVEYANCE, THAT NO PORTION OF
30 THE PROPERTY CONVEYED SHALL BE USED AS A LICENSED FACILITY, AS

1 DEFINED IN 4 PA.C.S. § 1103 (RELATING TO DEFINITIONS), OR ANY
2 OTHER SIMILAR TYPE OF FACILITY AUTHORIZED UNDER STATE LAW. THE
3 CONDITION SHALL BE A COVENANT RUNNING WITH THE LAND AND SHALL BE
4 BINDING UPON THE GRANTEE AND ITS SUCCESSORS AND ASSIGNS. SHOULD
5 THE GRANTEE, ITS SUCCESSORS OR ASSIGNS, PERMIT ANY PORTION OF
6 THE PROPERTY AUTHORIZED TO BE CONVEYED IN THIS SECTION TO BE
7 USED IN VIOLATION OF THIS SUBSECTION, THE TITLE SHALL
8 IMMEDIATELY REVERT TO AND REVEST IN THE GRANTOR.

9 (E) DEED OF CONVEYANCE.--THE CONVEYANCE SHALL BE BY SPECIAL
10 WARRANTY DEED TO BE EXECUTED BY THE SECRETARY OF GENERAL
11 SERVICES IN THE NAME OF THE COMMONWEALTH OF PENNSYLVANIA.

12 (F) COVENANTS, CONDITIONS AND RESTRICTIONS.--THE SECRETARY
13 OF GENERAL SERVICES MAY IMPOSE ANY COVENANTS, CONDITIONS OR
14 RESTRICTIONS ON THE PROPERTY DESCRIBED IN SUBSECTION (B) AT
15 SETTLEMENT AS DETERMINED TO BE IN THE BEST INTERESTS OF THE
16 COMMONWEALTH.

17 (G) ALTERNATE DISPOSITION.--IN THE EVENT THAT THE CONVEYANCE
18 AUTHORIZED HEREIN IS NOT COMPLETED WITHIN ONE YEAR AFTER THE
19 EFFECTIVE DATE OF THIS SUBSECTION, THE AUTHORITY TO CONVEY THE
20 PROPERTY TO JOHN BRADLEY WIMER AS SET FORTH IN SUBSECTION (A)
21 SHALL EXPIRE, AND THE PROPERTY MAY BE DISPOSED OF IN ACCORDANCE
22 WITH SECTION 2405-A OF THE ACT OF APRIL 9, 1929 (P.L.177,
23 NO.175), KNOWN AS THE ADMINISTRATIVE CODE OF 1929.

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

26 Section ~~2~~ 3. Effective date.

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27 This act shall take effect immediately.