

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1137 Session of
2022

INTRODUCED BY ARGALL, MARCH 9, 2022

REFERRED TO STATE GOVERNMENT, MARCH 9, 2022

AN ACT

1 Authorizing the Department of General Services, with the
2 approval of the Governor, to grant and convey to the Berks
3 County Redevelopment Authority certain lands, buildings and
4 improvements situate in the Borough of Hamburg and Windsor
5 Township, Berks County, being a portion of the former Hamburg
6 Center; and authorizing the Department of General Services,
7 with the approval of the Governor, to grant and convey to
8 Berks County Intermediate Unit certain lands and improvements
9 situate in Windsor Township, Berks County, being a portion of
10 the former Hamburg Center.

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

13 Section 1. Conveyance in the Borough of Hamburg and Windsor
14 Township, Berks County.

15 (a) Authorization.--The Department of General Services, with
16 the approval of the Governor, is hereby authorized on behalf of
17 the Commonwealth of Pennsylvania to grant and convey to the
18 Berks County Redevelopment Authority a certain tract of land,
19 together with any buildings, structures and improvements
20 thereon, situate in the Borough of Hamburg and Windsor Township,
21 Berks County, being a portion of the former Hamburg Center, for
22 a purchase price of \$2,725,000, under terms and conditions to be

1 established in an agreement of sale.

2 (b) Property description.--The property to be conveyed under
3 subsection (a) consists of a tract of land totaling
4 approximately 106.65 acres, including all buildings, structures
5 and improvements located thereon, more particularly described as
6 follows:

7 ALL THAT CERTAIN piece or parcel of land situate in the
8 Borough of Hamburg and Windsor Township, County of Berks,
9 Commonwealth of Pennsylvania, being Residual Lot 1 as shown on a
10 Final Subdivision Plan for Commonwealth of Pennsylvania,
11 Department of General Services, prepared by NAVTech, Inc., dated
12 February 8, 2019, last revised April 16, 2021, and recorded
13 October 28, 2021, in Berks County Recorder of Deeds Office, as
14 Instrument Number 2021053915, bounded and described as follows:

15 BEGINNING at an iron pin on the right-of-way line of
16 Pennsylvania State Highway, S.R. 0078, U.S. Route 22; thence
17 North 65°59'04" East a distance of 3,644.54 feet to a point on
18 the right-of-way line of Pennsylvania State Highway, S.R. 0078,
19 U.S. Route 22; thence along the lands now or formerly of Richard
20 L. & Sue A. Wessner the following four (4) courses and
21 distances:

22 South 49°29'00" West a distance of 81.77 feet to a point;
23 thence South 57°52'52" East a distance of 32.84 feet to a
24 concrete monument; thence South 47°23'01" West a distance of
25 225.07 feet to a concrete monument; thence South 04°35'24" East
26 a distance of 178.96 feet to an iron pin; thence along the lands
27 now or formerly of Richard L. & Sue A. Wessner the following
28 three (3) courses and distances:

29 South 01°06'06" East a distance of 321.53 feet to an iron
30 pin; thence South 70°07'49" West a distance of 63.35 feet to an

1 iron pin; thence South 02°50'32" East a distance of 361.12 feet
2 to an iron pin; thence along Lot 5 of the Final Subdivision Plan
3 for the Lands of Commonwealth of PA Dept. of General Services
4 recorded October 28, 2021 in the Berks County, Pennsylvania
5 Recorder of Deeds office as Instrument No. 2021053915 the
6 following nine (9) courses and distances:

7 North 85°58'09" West a distance of 739.75 feet to an iron
8 pin; thence South 02°20'28" West a distance of 224.57 feet to an
9 iron pin; thence South 07°43'33" East a distance of 134.36 feet
10 to an iron pin; thence South 25°20'41" East a distance of 267.88
11 feet to an iron pin; thence South 07°47'37" West a distance of
12 58.22 feet to an iron pin; thence on a curve to the left having
13 a radius of 481.00 feet, an arc length of 89.24 feet and having
14 a chord bearing of South 02°28'44" West a distance of 89.11 feet
15 to an iron pin; thence South 02°50'10" East a distance of 93.34
16 feet to an iron pin; thence on a curve to the left having a
17 radius of 231.00 feet, an arc length of 121.12 feet and having a
18 chord bearing of South 17°51'25" East a distance of 119.74 feet
19 to an iron pin; thence South 32°52'39" East a distance of 119.05
20 feet to a concrete monument on the right-of-way line of S.R.
21 4028 (Old 22); thence along the right-of-way line of S.R. 4028
22 (Old 22) South 53°45'21" West a distance of 751.63 feet to a
23 point; thence along the same South 53°42'41" West a distance of
24 350.00 feet to a point at the intersection of the right-of-way
25 line of S.R. 4028 (Old 22) and a 60 foot Private Right-of-Way;
26 thence crossing along the right-of-way of S.R. 4028 (Old 22),
27 crossing over the 60' Private Right-of-Way, South 53°42'41" West
28 a distance of 82.71 feet to a point on the intersection of the
29 right-of-way line for S.R. 4028 (Old 22) and the 60' Private
30 Right-of-Way; thence along Lot 3 of the above mentioned

1 subdivision plan the following eight (8) courses and distances:

2 On a curve to the left having a radius of 10.00 feet, an arc
3 length of 13.14 feet and a chord bearing of South 16°03'56" West
4 a distance of 12.22 feet to a point; thence North 21°34'50" West
5 a distance of 46.34 feet (erroneously described on plan as 37.36
6 feet) to a point; thence on a curve to the right having a radius
7 of 455.00 feet, an arc length of 181.04 feet and a chord bearing
8 of North 10°10'55" West a distance of 179.85 feet to an iron
9 pin; thence North 88°46'59" West a distance of 150.00 feet to an
10 iron pin; thence North 81°10'04" West a distance of 147.23 feet
11 to an iron pin; thence South 58°07'13" West a distance of 44.61
12 feet to an iron pin; thence South 31°52'47" East a distance of
13 68.41 feet to an iron pin; thence South 58°07'13" West a
14 distance of 109.23 feet (erroneously described as South
15 74°33'01" West a distance of 150.31 feet on plan) to an iron
16 pin; thence along Lot 4 of the above mentioned Subdivision Plan
17 South 58°07'13" West a distance of 233.22 feet (erroneously
18 described as 342.45 feet on plan) to an iron pin; thence along
19 the same South 67°24'11" West a distance of 396.02 feet to an
20 iron pin; thence along the lands now or formerly of Karpenko
21 Family Trust North 30°40'06" West a distance of 656.99 feet to
22 an iron pin; thence along the same the following three (3)
23 courses and distances:

24 North 25°26'29" West a distance of 216.90 feet to an iron
25 pin; thence South 86°39'07" West a distance of 97.48 feet to a
26 concrete monument; thence South 67°06'02" West a distance of
27 292.35 feet to a concrete monument; thence along the lands now
28 or formerly of the Borough of Hamburg North 09°18'19" East a
29 distance of 318.86 feet to a concrete monument; thence along the
30 same North 16°56'21" East a distance of 196.56 feet to a

concrete monument; thence along the lands now or formerly of the Railroad the following five (5) courses and distances:

South $41^{\circ}46'56''$ East a distance of 163.75 feet to a concrete monument; thence North $74^{\circ}48'37''$ East a distance of 69.80 feet to an iron pin; thence North $04^{\circ}30'42''$ West a distance of 341.39 feet to an iron pin; thence South $74^{\circ}05'41''$ West a distance of 34.70 feet to an iron pin; thence North $30^{\circ}14'54''$ West a distance of 126.81 feet to an iron pin on the right-of-way line of Pennsylvania State Highway, S.R. 0078, U.S. Route 22, the place of BEGINNING.

Containing: 4,645,590.57 square feet or 106.65 acres TOGETHER WITH a 50' right-of-way through Lot 3, as shown on a Final Subdivision Plan for Commonwealth of Pennsylvania, Department of General Services, prepared by NAVTech, Inc., dated February 8, 2019, last revised April 16, 2021, and recorded October 28, 2021, in Berks County Recorder of Deeds Office, as Instrument Number 2021053915, bounded and described as follows:

BEGINNING at a concrete monument set on the right-of-way line of S.R. 4028 (Old 22); thence along a curve to the left having a radius of 10.00 feet, an arc length of 13.14 feet and a chord bearing of North $16^{\circ}03'56''$ East a distance of 12.22 feet to a point; thence North $21^{\circ}34'50''$ West a distance of 8.98 feet to the BEGINNING of said 50' right-of-way; thence along a curve to the left having a radius of 10.00 feet, an arc length of 18.21 feet and a chord bearing of North $73^{\circ}44'36''$ West a distance of 15.80 feet to a point; thence South $54^{\circ}05'37''$ West a distance of 172.26 feet to a point; thence along a curve to the right having a radius of 50.00 feet, an arc length of 17.85 feet and a chord bearing of South $64^{\circ}19'19''$ West a distance of 17.76 feet to a point; thence South $74^{\circ}33'01''$ West a distance of 100.13 feet to

1 a point on the dividing line of Lot 3 and Lot 4; thence North
2 36°17'18" West a distance of 53.50 feet to a point; thence North
3 74°33'01" East a distance of 119.16 feet to a point; thence
4 North 54°05'37" East a distance of 191.52 feet to a point;
5 thence along a curve to the left having a radius of 10.00 feet,
6 an arc length of 12.45 feet and a chord bearing of North
7 18°25'43" East a distance of 11.66 feet to a point; thence along
8 a curve to the left having a radius of 455.00 feet, an arc
9 length of 34.50 feet and a chord bearing of South 19°24'30" East
10 a distance of 34.49 feet to a point; thence South 21°34'50" East
11 a distance of 37.36 feet to a point;

12 the place of BEGINNING.

13 EXCEPTING AND RESERVING from Residual Lot 1 a 60' right-of-
14 way to provide access for Lot 5 and Residual Lot 1, as shown on
15 a Final Subdivision Plan for Commonwealth of Pennsylvania,
16 Department of General Services, prepared by NAVTech, Inc., dated
17 February 8, 2019, last revised April 16, 2021, and recorded
18 October 28, 2021, in Berks County Recorder of Deeds Office, as
19 Instrument Number 2021053915, bounded and described as follows:

20 BEGINNING at a concrete monument set at the southwest corner
21 of Lot 5; thence South 53°45'22" West a distance of 60.10 feet
22 to a point; thence North 32°52'39 West a distance of 122.58 feet
23 to a point; thence along a curve to the right having a radius of
24 291.00 feet, an arc length of 152.58 feet and a chord bearing of
25 North 17°51'25" West a distance of 150.84 feet to a point;
26 thence North 02°50'10" West a distance of 93.34 feet to a point;
27 thence along a curve to the right having a radius of 541.00
28 feet, an arc length of 100.37 feet and a chord bearing of North
29 02°28'44" East a distance of 100.22 feet to a point; thence
30 North 07°47'37" East a distance of 40.37 feet to a point; thence

1 North 25°20'41" West a distance of 250.02 feet to a point;
2 thence North 64°39'20" East a distance of 60.00 feet to a point;
3 thence South 25°20'41" East a distance of 267.88 feet to a
4 point; thence South 07°47'37" West a distance of 58.22 feet to a
5 point; thence along a curve to the left having a radius of
6 481.00 feet, an arc length of 89.24 feet and a chord bearing of
7 South 02°28'44" West a distance of 89.11 feet to a point; thence
8 South 02°50'10" East a distance of 93.34 feet to a point; thence
9 along a curve to the left having a radius of 231.00 feet, an arc
10 length of 121.12 feet and a chord bearing of South 17°51'25"
11 East a distance of 119.74 feet to a point; thence South
12 32°52'39" East a distance of 119.05 feet to a concrete monument,
13 the place of BEGINNING.

14 ALSO EXCEPTING AND RESERVING from Residual Lot 1 a 60' Right-
15 of-Way to provide access for Lot 3, Lot 4 and Residual Lot 1, as
16 shown on a Final Subdivision Plan for Commonwealth of
17 Pennsylvania, Department of General Services, prepared by
18 NAVTech, Inc., dated February 8, 2019, last revised April 16,
19 2021, and recorded October 28, 2021, in Berks County Recorder of
20 Deeds Office, as Instrument Number 2021053915, bounded and
21 described as follows:

22 BEGINNING at a concrete monument set on the right-of-way line
23 of S.R. 4028 (Old 22); thence along a curve to the left having a
24 radius of 10.00 feet, an arc length of 13.14 feet and a chord
25 bearing of North 16°03'56" East a distance of 12.22 feet to a
26 point; thence North 21°34'50" West a distance of 8.98 feet to a
27 point; thence North 21°34'50" West a distance of 37.36 feet to a
28 point; thence along a curve to the right having a radius of
29 455.00 feet, an arc length of 34.50 feet and a chord bearing of
30 North 19°24'30" West a distance of 34.49 feet to a point; thence

1 North 72°45'50" East a distance of 60.00 feet to a point; thence
2 along a curve to the left having a radius of 395.00 feet, an arc
3 length of 29.95 feet and a chord bearing of South 19°24'30" East
4 a distance of 29.94 feet to a point; thence South 21°34'50" East
5 a distance of 25.34 feet to a point; thence along a curve to the
6 left having a radius of 10.00 feet, an arc length of 18.27 feet
7 and a chord bearing of South 73°56'04" East a distance of 15.84
8 feet to a point on the right-of-way of S.R. 4028 (Old 22);
9 thence following said right-of-way South 53°42'42" West a
10 distance of 82.71 feet to a concrete monument; the place of
11 BEGINNING.

12 BEING part of PIN 449514431213.

13 BEING a part of the same premises that Sarah Stine, widow, et
14 al, conveyed to the Commonwealth of Pennsylvania, by deed dated
15 July 1, 1910, and recorded July 2, 1910, in the Office of the
16 Recorder of Deeds of Berks County, Pennsylvania, in Deed Book
17 Volume 363, Page 425.

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

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

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

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

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

13 (g) Alternate disposition.--If the conveyance is not
14 effectuated within two years after the effective date of this
15 act, the property may be disposed of in accordance with section
16 2405-A of the act of April 9, 1929 (P.L.177, No.175), known as
17 The Administrative Code of 1929.

18 (h) Proceeds.--The proceeds from the sale shall be deposited
19 in the General Fund.

20 Section 2. Conveyance in Windsor Township, Berks 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 to grant and convey, to Berks
24 County Intermediate Unit, the following tract of land together
25 with any buildings, structures and improvements thereon, situate
26 in Windsor Township, Berks County, being a portion of the former
27 Hamburg Center, for \$232,000, under terms and conditions to be
28 established in an agreement of sale.

29 (b) Property description.--The property to be conveyed under
30 subsection (a) consists of a tract of land totaling

1 approximately 5.80 acres, including all buildings, structures
2 and improvements located thereon, more particularly described as
3 follows:

4 ALL THAT CERTAIN piece or parcel of land situate in Windsor
5 Township, County of Berks, Commonwealth of Pennsylvania, shown
6 as Lot 4 on a Final Subdivision Plan for Commonwealth of
7 Pennsylvania, Department of General Services, prepared by
8 NAVTech, Inc., dated February 8, 2019, last revised April 16,
9 2021, and recorded October 28, 2021, in Berks County Recorder of
10 Deeds Office, as Instrument Number 2021053915, bounded and
11 described as follows:

12 BEGINNING at an iron pin on the legal right-of-way line of
13 S.R. 4028 (Old 22); thence along the lands now or formerly of
14 Salvatore Fiore North $32^{\circ}43'00''$ West a distance of 402.66 feet
15 to an iron pipe; thence along the same North $30^{\circ}40'06''$ West a
16 distance of 63.14 feet to an iron pin; thence along Residual Lot
17 1 of the Final Subdivision Plan for the Lands of Commonwealth of
18 PA Dept. of General Services recorded October 28, 2021 in the
19 Berks County, Pennsylvania Recorder of Deeds office as
20 Instrument No. 2021053915 North $67^{\circ}24'11''$ East a distance of
21 396.02 feet to an iron pin; thence along the same North
22 $58^{\circ}07'13''$ East a distance of 233.22 feet (erroneously described
23 as 342.45 feet on plan) to an iron pin; thence along Lot 3 of
24 the above mentioned subdivision plan South $36^{\circ}17'19''$ East a
25 distance of 353.05 feet to an iron pin on the legal right-of-way
26 line of S.R. 4028 (Old 22); thence following the legal right-of-
27 way line of S.R. 4028 (Old 22) South $53^{\circ}42'42''$ West a distance
28 of 648.56 feet to an iron pin, the place of BEGINNING.

29 Containing: 252,671.88 square feet or 5.80 acres TOGETHER
30 WITH a 50' right-of-way through Lot 3, as shown on a Final

Subdivision Plan for Commonwealth of Pennsylvania, Department of General Services, prepared by NAVTech, Inc., dated February 8, 2019, last revised April 16, 2021, and recorded October 28, 2021, in Berks County Recorder of Deeds Office, as Instrument Number 2021053915, bounded and described as follows:

BEGINNING at a concrete monument set on the right-of-way line of S.R. 4028 (Old 22); thence along a curve to the left having a radius of 10.00 feet, an arc length of 13.14 feet and a chord bearing of North 16°03'56" East a distance of 12.22 feet to a point; thence North 21°34'50" West a distance of 8.98 feet to the BEGINNING of said 50' right-of-way; thence along a curve to the left having a radius of 10.00 feet, an arc length of 18.21 feet and a chord bearing of North 73°44'36" West a distance of 15.80 feet to a point; thence South 54°05'37" West a distance of 172.26 feet to a point; thence along a curve to the right having a radius of 50.00 feet, an arc length of 17.85 feet and a chord bearing of South 64°19'19" West a distance of 17.76 feet to a point; thence South 74°33'01" West a distance of 100.13 feet to a point on the dividing line of Lot 3 and Lot 4; thence North 36°17'18" West a distance of 53.50 feet to a point; thence North 74°33'01" East a distance of 119.16 feet to a point; thence North 54°05'37" East a distance of 191.52 feet to a point; thence along a curve to the left having a radius of 10.00 feet, an arc length of 12.45 feet and a chord bearing of North 18°25'43" East a distance of 11.66 feet to a point; thence along a curve to the left having a radius of 455.00 feet, an arc length of 34.50 feet and a chord bearing of South 19°24'30" East a distance of 34.49 feet to a point; thence South 21°34'50" East a distance of 37.36 feet to a point; the place of BEGINNING.

EXCEPTING AND RESERVING a 50' right-of-way through Lot 4 to

1 provide access for Lot 3, Residual Lot 1, and Lot 4, as shown on
2 a Final Subdivision Plan for Commonwealth of Pennsylvania,
3 Department of General Services, prepared by NAVTech, Inc., dated
4 February 8, 2019, last revised April 16, 2021, and recorded
5 October 28, 2021, in Berks County Recorder of Deeds Office, as
6 Instrument Number 2021053915, bounded and described as follows:

7 BEGINNING at an iron pin at the southwest corner of Lot 4;
8 thence North 32°43'00" West a distance of 227.78 feet to the
9 BEGINNING of said 50' right-of-way; thence North 32°43'00" West
10 a distance of 85.68 feet to a point; thence along a curve to the
11 right having a radius of 10.00 feet, an arc length of 12.28 feet
12 and a chord bearing of South 67°53'49" East a distance of 11.52
13 feet to a point; thence along a curve to the right having a
14 radius of 75.00 feet, an arc length of 29.46 feet and a chord
15 bearing of North 88°10'31" East a distance of 29.27 feet to a
16 point; thence South 80°34'21" East a distance of 195.27 feet to
17 a point; thence along a curve to the left having a radius of
18 25.00 feet, an arc length of 19.89 feet and a chord bearing of
19 North 76°38'14" East a distance of 19.37 feet to a point; thence
20 North 53°50'50" East a distance of 389.07 feet to a point;
21 thence along a curve to the right having a radius of 75.00 feet,
22 an arc length of 27.10 feet and a chord bearing of North
23 64°11'56" East a distance of 26.95 feet to a point; thence North
24 74°33'01" East a distance of 31.15 feet to a point on the
25 boundary line of Lot 4 and 3; thence South 36°17'18" East a
26 distance of 53.50 feet to a point; thence South 74°33'01" West a
27 distance of 50.18 feet to a point; thence along a curve to the
28 left having a radius of 25.00 feet, an arc length of 9.03 feet
29 and a chord bearing of South 64°11'56" West a distance of 8.98
30 feet to a point; thence South 53°50'50" West a distance of

1 389.07 feet to a point; thence along a curve to the right having
2 a radius of 75.00 feet, an arc length of 59.66 feet and a chord
3 bearing of South 76°38'14" West a distance of 58.10 feet to a
4 point; thence North 80°34'21" West a distance of 170.32 feet to
5 a point; thence along a curve to the left having a radius of
6 10.00 feet, an arc length of 23.06 feet and a chord bearing of
7 South 33°21'19" West a distance of 18.28 feet to a point, the
8 place of BEGINNING.

9 BEING part of PIN 449514431213.

10 BEING part of the same premises that Sarah Stine, et al,
11 conveyed to the Commonwealth of Pennsylvania, by deed date July
12 1, 1910, and recorded July 2, 1910, in the Office of the
13 Recorder of Deeds of Berks County, Pennsylvania, in Deed Book
14 Volume 363, Page 425.

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

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

1 the grantee, its successors or assigns, permit any portion of
2 the property authorized to be conveyed in this act to be used in
3 violation of this subsection, the title shall immediately revert
4 to and revest in the grantor.

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

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

10 (g) Alternate disposition.--If the conveyance is not
11 effectuated within two years after the effective date of this
12 act, the property may be disposed of in accordance with section
13 2405-A of the act of April 9, 1929 (P.L.177, No.175), known as
14 The Administrative Code of 1929.

15 (h) Proceeds.--The proceeds from the sale shall be deposited
16 in the General Fund.

17 Section 3. Effective date.

18 This act shall take effect immediately.