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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 1235 Session of  
2024

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INTRODUCED BY ARGALL, HUTCHINSON AND VOGEL, MAY 30, 2024

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REFERRED TO STATE GOVERNMENT, MAY 30, 2024

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AN ACT

1 Authorizing the Department of General Services, with the  
2 approval of the Department of Conservation and Natural  
3 Resources and the Governor, to grant and convey to the White  
4 Birch Golf Course and Restaurant, certain lands situate in  
5 Rush Township, Schuylkill County.

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

8 Section 1. Conveyance in Rush Township, Schuylkill County.

9 (a) Authorization.--The Department of General Services, with  
10 the approval of the Department of Conservation and Natural  
11 Resources and the Governor, is authorized on behalf of the  
12 Commonwealth of Pennsylvania to grant and convey to the White  
13 Birch Golf Course and Restaurant certain lands situate in Rush  
14 Township, Schuylkill County. The purchase price shall be \$1. Any  
15 conveyance under this act shall be made under terms and  
16 conditions to be established in an agreement of sale.

17 (b) Property description.--The lands to be conveyed under  
18 subsection (a) consist of certain State park land located in  
19 Tuscarora State Park in Rush Township, Schuylkill County, having  
20 a length of approximately 500 feet and a width of approximately

1 100 feet, together with improvements thereon, used historically  
2 as a customer parking lot for the White Birch Golf Course and  
3 Restaurant and described in Land Use Agreement Number UA-101  
4 made June 13, 1989, by and between the Bureau of State Parks and  
5 the White Birch Golf Course, Inc.

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

15 (d) Condition.---The conveyance authorized by this section  
16 shall be made under and subject to the condition, which shall be  
17 contained in the deed of conveyance, that no portion of the  
18 property conveyed shall be used as a licensed facility, as the  
19 term is defined in 4 Pa.C.S. § 1103 (relating to definitions),  
20 or any other similar type of facility authorized under State  
21 law. The condition shall be a covenant running with the land and  
22 shall be binding upon the grantee and the heirs and assigns of  
23 the grantee. If the grantee or the heirs or assigns of the  
24 grantee permit any portion of the property authorized to be  
25 conveyed in this section to be used in violation of this  
26 subsection, the title shall immediately revert to and revest in  
27 the grantor.

28 (e) Easements.--

29 (1) The Secretary of General Services may retain any  
30 easement from the property to be conveyed in accordance with

1 this section as the Secretary of General Services deems  
2 necessary or appropriate.

3 (2) The Secretary of General Services may grant any  
4 future easement to benefit the property to be conveyed in  
5 accordance with this section, as agreed to between the  
6 property owner and the Department of General Services.

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

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

15 (h) Proceeds.--The proceeds from the conveyance authorized  
16 in this section shall be deposited into a fund under the  
17 jurisdiction of, and as prescribed by, the Department of  
18 Conservation and Natural Resources.

19 Section 2. Effective date.

20 This act shall take effect immediately.