

No. 1990-135

## AN ACT

SB 1570

Amending the act of December 22, 1988 (P.L.1915, No.193), entitled "An act authorizing and directing the Department of General Services, with the approval of the Governor and the Department of Agriculture, to convey and confirm two tracts of land located in Penn Township, Snyder County, Pennsylvania, to Randall W. Bailey and Ellen S. Bailey, his wife, and Rick L. Bailey and Kathy A. Bailey, his wife; authorizing and directing the Department of General Services, with the approval of the Governor, to convey a tract of land located in Logan Township, Blair County, Pennsylvania, to Joseph A. Grappone, H. Zane Helsel and Augusto N. Delerme, as tenants in common; and authorizing and directing the Department of General Services, with the approval of the Governor, to convey to the Greater Wilkes-Barre Industrial Fund a tract of land situate in Plains Township, Luzerne County, Pennsylvania," further providing for the conveyance of real estate to the Greater Wilkes-Barre Industrial Fund; and authorizing and directing the Department of General Services, with the approval of the Governor and the Secretary of Public Welfare, to convey to Nevillewood Associates, L.P., 75.346 acres of land, more or less, situate in Collier Township, Allegheny County, Pennsylvania.

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

Section 1. The title and section 3(a), (d) and (f) of the act of December 22, 1988 (P.L.1915, No.193), entitled "An act authorizing and directing the Department of General Services, with the approval of the Governor and the Department of Agriculture, to convey and confirm two tracts of land located in Penn Township, Snyder County, Pennsylvania, to Randall W. Bailey and Ellen S. Bailey, his wife, and Rick L. Bailey and Kathy A. Bailey, his wife; authorizing and directing the Department of General Services, with the approval of the Governor, to convey a tract of land located in Logan Township, Blair County, Pennsylvania, to Joseph A. Grappone, H. Zane Helsel and Augusto N. Delerme, as tenants in common; and authorizing and directing the Department of General Services, with the approval of the Governor, to convey to the Greater Wilkes-Barre Industrial Fund a tract of land situate in Plains Township, Luzerne County, Pennsylvania," are amended to read:

## AN ACT

Authorizing and directing the Department of General Services, with the approval of the Governor and the Department of Agriculture, to convey and confirm two tracts of land located in Penn Township, Snyder County, Pennsylvania, to Randall W. Bailey and Ellen S. Bailey, his wife, and Rick L. Bailey and Kathy A. Bailey, his wife; authorizing and directing the Department of General Services, with the approval of the Governor, to convey a tract of land located in Logan Township, Blair County, Pennsylvania, to Joseph A. Grappone, H. Zane Helsel and Augusto N. Delerme,

as tenants in common; **[and]** authorizing and directing the Department of General Services, with the approval of the Governor, to convey to the Greater Wilkes-Barre Industrial Fund a tract of land situate in Plains Township, Luzerne County, Pennsylvania[.]; *and authorizing and directing the Department of General Services, with the approval of the Governor and the Secretary of Public Welfare, to convey to Nevillewood Associates, L.P., 75.346 acres of land, more or less, situate in Collier Township, Allegheny County, Pennsylvania.*

Section 3. (a) The Department of General Services, with the approval of the Governor, is hereby authorized and directed, on behalf of the Commonwealth of Pennsylvania, to grant and convey to the Greater Wilkes-Barre Industrial Fund, *its successors or assigns*, upon the release of any option or right of repurchase purportedly held by Pennsylvania Gas and Water (PG&W) pursuant to an agreement entered into May 1, 1969, between Pennsylvania Gas and Water and the Wilkes-Barre Industrial Fund, which option or right is disputed by the Commonwealth, for a consideration of fair market value in the amount of **[\$2,000,000] \$10,000 per acre**, the following tract of land situate in Plains Township, Luzerne County, Pennsylvania, bounded and described as follows:

Beginning at a point in the northerly right-of-way line of State Highway, Legislative Route No.169 (Traffic Route No.115), leading easterly from Wilkes-Barre to Bear Creek, and in the southeasterly line of lands heretofore conveyed by the Hudson Coal Company to Michael Litchey and Tessie Litchey, his wife, by deed dated May 24, 1949, and recorded in Luzerne County Deed Book 1039, at Page 302;

Thence from said beginning point and along the southeasterly side line of said lands, now or formerly, of Michael Litchey, et ux, north 29 degrees 00 minutes east 434.00 feet, more or less, to the most northeasterly corner of said lands, said point being also in the division line between Certified Lots Numbers 15 and 16 in the Third Division of Certified Wilkes-Barre (now Plains) Township;

Thence from said point and along the northeasterly or rear line of said lands, now or formerly of Michael Litchey, et ux, the same being along the division line between Certified Lots Numbers 15 and 16 in said Third Division, north 61 degrees 00 minutes west 580.00 feet, more or less, to the southeasterly line of the Second Parcel described in deed dated January 25, 1909, from the Hudson Coal Company to the Spring Brook Water Supply Company, recorded in Luzerne County Deed Book 452, at Page 438;

Thence from said point and along the southeasterly and easterly side line of the First Parcel described in said above-mentioned deed, north 05 degrees 30 minutes east 40.00 feet, more or less, to an angle point in said line; and thence north 29 degrees 50 minutes west 145.00 feet, more or less, to a point;

Thence from said point and through lands of the Grantor herein, by a line passing through Certified Lots Numbers 15, 14, 13 and partly through Lot Number 12 in said Third Division, north 29 degrees 00 minutes east 1,700.00 feet, more or less, to a point in the southerly line of the Seventh Parcel described in deed dated January 25, 1909, from the Northern Coal and Iron

Company to the Spring Brook Water Supply Company, recorded in Luzerne County Deed Book 452, at Page 434;

Thence from said point and along the southerly line of said Seventh Parcel of land, and also along the southerly line of the Sixth Parcel of land described in said deed, in a northeasterly direction 1,110.00 feet, more or less, to a point in the division line between Certified Lots Numbers 10 and 11 in said Third Division;

Thence from said point and passing through Certified Lot Number 10 in said Third Division, along the southerly side line of a 60-foot-wide strip of land centered on the present bed of what is known as the "Hill Creek and Laurel Run Canal" of the Pennsylvania Gas & Water Company about 710.00 feet, more or less, in a northeasterly direction to a point in the division line between Certified Lots Numbers 9 and 10 in said Third Division, said point being also in the southwesterly line of lands described in deed dated February 21, 1913, from Martha B. Phelps, et al, to the Spring Brook Water Supply Company, recorded in Luzerne County Deed Book 490, at Page 222;

Thence from said point and along said division line between Certified Lots Numbers 9 and 10 in said Third Division, being also along the southwesterly line of said lands of the Spring Brook Water Supply Company, south 61 degrees 00 minutes east 2,070.00 feet, more or less, to a point in the westerly line of lands, now or formerly, of the Spring Brook Water Supply Company;

Thence from said point and along the line of said lands, the same passing through said Certified Lot Number 10, south 14 degrees 15 minutes west 546.00 feet, more or less, to a point in the division line between said Certified Lots Numbers 10 and 11, said point being also the most northwesterly corner of the Second Parcel of land described in deed dated January 25, 1909, from the Northern Coal and Iron Company to the Spring Brook Water Supply Company, recorded in Luzerne County Deed Book 452, at Page 434;

Thence from said point and along the westerly line of said Second Parcel of land, and also along the westerly line of the Third Parcel described in said deed, the same passing through Certified Lots Numbers 11 and 12, south 14 degrees 15 minutes west 1,200.00 feet, more or less, to a point in the division line between Certified Lots Numbers 12 and 13, said point being also the most northerly corner of land described in deed dated November 30, 1951, from the Hudson Coal Company to Scranton-Spring Brook Water Service Company, recorded in Luzerne County Deed Book 1140, at Page 219;

Thence from said point and in the extension southerly of the aforesaid westerly line of the Second and Third Parcel of land above mentioned, and passing through Certified Lot Number 13, south 14 degrees 15 minutes west about 580.00 feet to a corner in the division line between Certified Lots Numbers 13 and 14 in said Third Division, said corner being also in the northeasterly line of the First Parcel described in deed dated June 6, 1911, from Anna M. Oliver, et al, to Spring Brook Water Supply Company, recorded in Luzerne County Deed Book 475, at Page 489;

Thence from said point and along the line of said lands, the same being also along the division line between Certified Lots Numbers 13 and 14, north

60 degrees 40 minutes west 2,080.00 feet, more or less, to a point, said point being the most northeasterly corner of Parcel Number 5 described in deed from the Pennsylvania Gas & Water Company to The Greater Wilkes-Barre Industrial Fund, Inc., about to be recorded in the Office of the Recorder of Deeds for Luzerne County;

Thence from said point and along the easterly line of said Parcel Number 5, and also along the easterly line of Parcel Number 6 of said conveyance, the same passing through Certified Lots Numbers 14, 15 and 16, south 29 degrees 00 minutes west 1,560.00 feet, more or less, to a point in the afore-said northerly right-of-way line of State Highway, Legislative Route No. 169, said point being more particularly fixed as being the point formed by the intersection of said Highway northerly right-of-way line with the division line between Certified Lots Numbers 16 and 17;

Thence from said point and along the northerly right-of-way line of said Highway, by a curve to the left in a northwesterly direction for an arc distance of 1,200.00 feet, more or less, to a point, the place of beginning.

Containing 200.00 acres of land, be the same more or less, and being parts of Certified Lots Numbers 10, 11, 12, 13, 14, 15 and 16 in the Third Division of Certified Wilkes-Barre (now Plains) Township.

Being part of three conveyances of land into The Greater Wilkes-Barre Industrial Fund, Inc., as follows:

The first by deed from Blue Coal Corporation dated May 1, 1969, and recorded in Luzerne County Deed Book 1666, at Page 1045; the second by deed from the Pennsylvania Gas & Water Company; and the third by deed from the Pennsylvania Power & Light Company.

Excepting and reserving coal and other minerals as the same are excepted and reserved in the prior chain of title.

\* \* \*

(d) The Wilkes-Barre Industrial Fund shall, **[within 60 days of the effective date of this act] prior to March 1, 1991**, pay to the Commonwealth of Pennsylvania, Department of General Services, the sum of \$500,000. This nonrefundable deposit shall be credited toward the purchase price of the property, if sold in a single transaction, or the purchase prices of any parcels sold in separate transactions.

\* \* \*

(f) The deed or deeds of conveyance shall contain the following clauses:

(1) That coal and other minerals are excepted and reserved as the same are excepted and reserved in the prior chain of title.

(2) **[That the property conveyed shall be used for light industrial, office and governmental purposes and if, at any time, the Wilkes-Barre Industrial Fund or a successor in title fails to use the property for the purposes contained in this section, the title shall immediately revert to and rest in the Commonwealth without any requirement of reentry or demand by the Commonwealth. Subsequent deeds between the Wilkes-Barre Industrial Fund and purchasers shall require the approval of the Board of Commissioners of Plains Township, Luzerne County.] A covenant running with the land providing that the property conveyed shall be used**

*only for light industrial, research and development, health-related, office and governmental purposes, enforceable by action of the Commonwealth.*

*\* \* \**

Section 2. The act is amended by adding a section to read:

*Section 3.1. (a) The Department of General Services, with the approval of the Governor and the Secretary of Public Welfare, is hereby authorized and directed on behalf of the Commonwealth of Pennsylvania to grant and convey to Nevillewood Associates, L.P., a Pennsylvania limited partnership, for a consideration of fair market value, as determined by an appraisal of the Department of General Services, the following described land situate in Collier Township, Allegheny County, Pennsylvania, bounded and described as follows:*

*(1) All that certain tract or parcel of land situate in the Township of Collier, County of Allegheny and Commonwealth of Pennsylvania, being more particularly bounded and described as follows, to wit:*

*Beginning at a point in Hill Top Road 33 feet in width and at the corner of property now or formerly the Commonwealth of Pennsylvania; thence along said road north 65 degrees 57 minutes 10 seconds east a distance of 332.00 feet to a point; thence through land now or formerly the Commonwealth of Pennsylvania the following three courses and distances: south 01 degree 19 minutes 00 seconds west a distance of 1104.90 feet to a point; thence north 88 degrees 41 minutes 00 seconds west a distance of 1195.09 feet to a point; thence south 18 degrees 02 minutes 50 seconds west a distance of 1068.73 feet to a point on the dividing line of property herein described and land now or formerly J. H. Ferri, et al; thence along same the following two courses and distances: north 76 degrees 44 minutes 45 seconds west a distance of 547.86 feet to a point; thence north 17 degrees 27 minutes 30 seconds west a distance of 678.75 feet to a point; thence through property now or formerly the Commonwealth of Pennsylvania north 36 degrees 00 minutes 00 seconds west a distance of 1125.00 feet to a point; thence north 19 degrees 47 minutes 00 seconds east a distance of 829.53 feet to a point in Hill Top Road; thence in said road south 70 degrees 13 minutes 00 seconds east a distance of 1609.26 feet to a point; thence through property now or formerly the Commonwealth of Pennsylvania south 01 degree 19 minutes 00 seconds west a distance of 754.24 feet to a point; thence south 88 degrees 41 minutes 00 seconds east a distance of 850.00 feet to a point; thence north 01 degree 19 minutes 00 seconds east a distance of 812.68 feet to a point in Hill Top Road, the place of beginning.*

*Containing 3,156,690.578 square feet or 72.468 acres.*

*Having erected thereon a two-story brick office building and an incinerator building.*

*Excepting and reserving unto the Commonwealth of Pennsylvania, however, the existing incinerator building located upon the premises together with rights in the underlying real estate sufficient to enable the said building to continue to exist and be maintained in its present location and also together with an easement or right-of-way for ingress, egress and regress between the said building and Hill Top Road, the location of said easement*

*to be determined by mutual consent of the Commonwealth and Nevillewood Associates, L.P.; the aforesaid rights accepted and reserved hereby and the accompanying easement to exist until such time as the said incinerator building is razed, at which time the said rights and easement shall extinguish without further action of the parties.*

*(2) All that certain tract or parcel of land situate in the Township of Collier, County of Allegheny and Commonwealth of Pennsylvania, being more particularly bounded and described as follows, to wit:*

*Beginning at a point on or near the center line of Hill Top Road, L.R.02022, a 33-foot right-of-way, where the same is intersected by Boyds Run Road, L.R.02344, a 33-foot right-of-way, and Walkers Mill Road, L.R.02041, a 33-foot right-of-way, said point being a common corner to lands now or formerly of Equitable Gas Company, the Township of Collier and the parcel herein described, thence continuing with the center line of Hill Top Road in an easterly direction for the following five courses and distances: north 81 degrees 34 minutes 00 seconds east for a distance of 241.66 feet to a point of curve; thence by the arc of a circle curving to the left, having a radius of 1330.00 feet for an arc distance of 298.67 feet to a point of tangency; thence north 68 degrees 42 minutes 00 seconds east for a distance of 189.65 feet to a point, said point being the true place of beginning; thence continuing with the center line of Hill Top Road, north 68 degrees 42 minutes 00 seconds east for a distance of 50.29 feet to a point; thence by a line through lands of which this was formerly a part for the following 15 courses and distances: south 15 degrees 09 minutes 20 seconds east for a distance of 135.73 feet to a point; thence south 06 degrees 35 minutes 20 seconds west for a distance of 139.50 feet to a point; thence south 03 degrees 25 minutes 25 seconds west for a distance of 340.82 feet to a point of curve; thence by the arc of a circle curving to the left, having a radius of 25 feet for an arc distance of 58.90 feet to a point of tangency; thence north 48 degrees 25 minutes 50 seconds east for a distance of 534.28 feet to a point; thence north 41 degrees 34 minutes 10 seconds west for a distance of 60 feet to a point; thence north 48 degrees 25 minutes 50 seconds east for a distance of 250 feet to a point; thence south 41 degrees 34 minutes 10 seconds east for a distance of 250 feet to a point; thence south 48 degrees 25 minutes 50 seconds west for a distance of 250 feet to a point; thence north 41 degrees 34 minutes 10 seconds west for a distance of 140 feet to a point; thence south 48 degrees 25 minutes 50 seconds west for a distance of 534.28 feet to a point of curve; thence by the arc of a circle curving to the right, having a radius of 75 feet for an arc distance of 176.71 feet to a point of tangency; thence north 03 degrees 25 minutes 25 seconds east for a distance of 342.22 feet to a point; thence north 06 degrees 35 minutes 20 seconds east for a distance of 131.26 feet to a point; thence north 15 degrees 09 minutes 20 seconds west for a distance of 120.72 feet to a point, said point being the true place of beginning. Parcel as herein described containing an area of 2.878 acres.*

*(b) The conveyances shall be made under and subject to all easements, servitudes and rights of others, including, but not confined to, streets, roadways and rights of telephone, telegraph, water, electric, sewer, gas or pipe-*

*line companies, as well as under and subject to any interest, estates or tenancies vested in third persons, whether or not appearing of record, for any portion of the land or improvements erected thereon.*

*(c) The deeds of conveyance shall be approved as provided by law and shall be executed by the Secretary of General Services in the name of the Commonwealth of Pennsylvania and delivered to the grantee within 60 days after the effective date of this act.*

*(d) Costs and fees incidental to the conveyances shall be borne by the grantee.*

Section 3. This act shall take effect immediately.

APPROVED—The 21st day of November, A. D. 1990.

ROBERT P. CASEY