

No. 1996-41

## AN ACT

SB 1314

Authorizing the Department of General Services, with the approval of the Governor, to sell and convey to the Owen J. Roberts School District certain land situate in East Vincent Township, Chester County, Pennsylvania.

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

Section 1. Conveyance in Chester County.

(a) Authorization.—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, sell and convey to Owen J. Roberts School District for consideration equal to one-half of the fair market value, as determined by appraisal by the Department of General Services, the tract of land described in subsection (b) and the rights-of-way described in subsection (c).

(b) Property description.—The property to be conveyed pursuant to subsection (a) is the following tract of land situate in the Township of East Vincent, County of Chester, Commonwealth of Pennsylvania, bounded and described as follows:

All that certain tract of land situate along the southerly side of Brown Drive and the westerly side of Pennhurst Road in the Township of East Vincent, County of Chester, Commonwealth of Pennsylvania, bounded and described as follows:

Beginning at a spike (set) marking the intersection of the titeline in Pennhurst Road (proposed right-of-way to be 50 feet wide) and the titeline in Brown Drive (proposed right-of-way to be 50 feet wide); thence from the place of beginning along the titeline in Pennhurst Road south 11 degrees 5 minutes 52 seconds east 1,018.78 feet to a spike (set) for a corner of remaining lands of the Commonwealth of Pennsylvania; thence along the same, crossing the proposed westerly right-of-way line of Pennhurst Road 25.05 feet distant and extending along the northerly side of a proposed 25 foot-wide access right-of-way, the six following courses and distances: (1) south 75 degrees 26 minutes 3 seconds west 50.89 feet to an iron pin (set), (2) south 80 degrees 49 minutes 35 seconds west 89.60 feet to an iron pin (set), (3) south 83 degrees 59 minutes 34 seconds west 425.56 feet to an iron pin (set), (4) south 80 degrees 35 minutes 53 seconds west 128.88 feet to an iron pin (set), (5) south 80 degrees 27 minutes west 106.10 feet to an iron pin (set) and (6) north 84 degrees 45 minutes west 370.14 feet to an iron pin (set) in line of lands of Spring Hollow Golf Course, Inc.; thence along the same north 3 degrees 42 minutes 57 seconds east 456.84 feet to a concrete

monument (found), a corner of lands of David A. Buchanan; thence along the same north 4 degrees 10 minutes 57 seconds east 534.24 feet to a spike (found) in the aforementioned titleline in Brown Drive, having crossed an iron pin set at the southerly proposed right-of-way line of Brown Drive 25.11 feet distant from the last-mentioned spike; thence along the titleline in Brown Drive north 88 degrees 56 minutes 46 seconds east 133.32 feet to a point of curve and continuing along the titleline in Brown Drive, along a curve to the left, having a radius of 3,020 feet, through a central angle of 3 degrees 44 minutes 56 seconds and an arc distance of 197.60 feet (chord: north 87 degrees 4 minutes 18 seconds east 197.57 feet) to a spike (set) for a corner of still other remaining lands of the Commonwealth of Pennsylvania, which includes an existing dwelling and various outbuildings; thence along the same the three (3) following courses and distances: (1) recrossing the southerly proposed right-of-way line of Brown Drive, 25.04 feet distant, south 7 degrees 56 minutes 55 seconds east 230.60 feet to an iron pin (set), (2) north 82 degrees 3 minutes 5 seconds east 326.70 feet to an iron pin (set) and (3) north 7 degrees 56 minutes 55 seconds west 225 feet to a spike (set), again in the titleline in Brown Drive, having crossed the proposed southerly right-of-way line 25 feet distant from the last-mentioned spike; thence again along the titleline in Brown Drive north 81 degrees 41 minutes 59 seconds east 244.23 feet to the place of beginning.

Containing 22.4623 acres gross or 21.5574 acres net of land, be the same more or less.

Under and subject to easements for various utility lines which are shown on the above-referred plan.

(c) Rights-of-way.—The property to be conveyed shall include the following rights-of-way:

(1) Pennhurst Road

Description of a right-of-way referred to as Pennhurst Road to be granted to Owen J. Roberts School District:

All that certain right-of-way referred to as Pennhurst Road situate in the Township of East Vincent, County of Chester, Commonwealth of Pennsylvania, bounded and described according to a Survey and Subdivision Plan by Conver and Smith Engineering, Inc., Royersford, Pennsylvania, dated June 30, 1995, last revised February 15, 1996, Plan No. D-95-032, Sheet 2 of 2.

Beginning at the intersection of the titleline in the herein-described Pennhurst Road (50 feet wide) and the southerly right-of-way line of Brown Drive (50 feet wide), the said corner being also south 11 degrees 5 minutes 52 seconds east 25.03 feet from the intersection of the titleline in Pennhurst Road and the titleline in Brown Drive; thence from the place of beginning along the southerly right-of-way line of Brown Drive north 81 degrees 41 minutes 59 seconds east 46.03 feet to a corner; thence along the easterly right-of-way line of Pennhurst Road the five (5) following courses and distances: (1) along a curve to the southeast, having a radius of 20 feet,

through a central angle of 92 degrees 47 minutes 51 seconds and an arc distance of 32.39 feet (chord: south 35 degrees 18 minutes 3 seconds west 28.97 feet) to a point of tangent, (2) crossing the westerly terminus of Dunlap Road, near the end of this course, south 11 degrees 5 minutes 52 seconds east 1,021.35 feet to a corner, (3) south 11 degrees 53 minutes 58 seconds east 698.13 feet to a point of curve, (4) along a curve to the right, having a radius of 1,350 feet, through a central angle of 9 degrees 3 minutes 25 seconds and an arc distance of 213.40 feet (chord: south 7 degrees 22 minutes 16 seconds east 213.18 feet) to a point of tangent and (5) south 2 degrees 50 minutes 33 seconds east 36.02 feet, more or less, to a corner; thence crossing the northerly terminus of the public portion of Pennhurst Road (T-483-33 feet wide) south 86 degrees 52 minutes 4 seconds west 50 feet to a corner on the westerly right-of-way of the herein-described Pennhurst Road; thence along the same the five (5) following courses and distances: (1) north 2 degrees 50 minutes 33 seconds west 36.27 feet, more or less, to a point of curve, (2) along a curve to the left, having a radius of 1,300 feet, through a central angle of 9 degrees 3 minutes 25 seconds and an arc distance of 205.50 feet (chord: north 7 degrees 22 minutes 16 seconds west 205.28 feet) to a point of tangent, (3) north 11 degrees 53 minutes 58 seconds west 698.48 feet to a corner, (4) crossing the easterly terminus of a certain 25-foot-wide access right-of-way north 11 degrees 5 minutes 52 seconds west 1,026.10 feet to a point of curve and (5) along a curve to the left, having a radius of 20 feet, through a central angle of 87 degrees 12 minutes 9 seconds and an arc distance of 30.44 feet (chord: north 54 degrees 41 minutes 56 seconds west 27.59 feet) to a point of tangent on the aforementioned southerly right-of-way line of Brown Drive; thence along the same north 81 degrees 41 minutes 59 seconds east 44.08 feet to the place of beginning.

(2) Brown Drive

Description of a right-of-way referred to as Brown Drive to be granted to the Owen J. Roberts School District:

All that certain right-of-way referred to as Brown Drive situate in the Township of East Vincent, County of Chester, Commonwealth of Pennsylvania, bounded and described according to a Survey and Subdivision Plan by Conver and Smith Engineering, Inc., Royersford, Pennsylvania, dated June 30, 1995, last revised February 15, 1996, Plan No. D-95-032, Sheet 2 of 2.

Beginning at the intersection of the southerly right-of-way line of the herein-described Brown Drive (50 feet wide) and the titleline in Pennhurst Road (50 feet wide); the said corner being also south 11 degrees 5 minutes 52 seconds east 25.03 feet from the intersection of the titleline in Brown Drive and the titleline in Pennhurst Road; thence from the place of beginning along the southerly right-of-way line of Brown Drive the four (4) following courses and distances: (1) south 81 degrees 41 minutes 59 seconds west 245.61 feet to a corner, (2) south 82 degrees 24 minutes 11 seconds west 179.67 feet to a point of curve, (3) along a curve to the right, having a radius

of 3,045 feet, through a central angle of 6 degrees 32 minutes 35 seconds and an arc distance of 347.73 feet (chord: south 85 degrees 40 minutes 28 seconds west 347.54 feet) to a point of tangent and (4) south 88 degrees 56 minutes 46 seconds west 135.61 feet to a corner in line of lands of David A. Buchanan which are located southerly of Brown Drive; thence along the same and also along lands of Citizens Utilities Home Water Company which are located northerly of Brown Drive, also crossing the eastern terminus of that portion of Brown Drive which is currently public right-of-way, north 4 degrees 10 minutes 57 seconds east 50.22 feet to a corner on the northerly side of the herein-described right-of-way of Brown Drive; thence along the same the four (4) following courses and distances: (1) north 88 degrees 56 minutes 46 seconds east 131.03 feet to a point of curve, (2) along a curve to the left, having a radius of 2,995 feet, through a central angle of 6 degrees 32 minutes 35 seconds and an arc distance of 342.02 feet (chord: north 85 degrees 40 minutes 28 seconds east 341.84 feet) to a point of tangent, (3) north 82 degrees 24 minutes 11 seconds east 179.36 feet to a corner and (4) partly crossing the terminus of Commonwealth Drive (a private road) north 81 degrees 41 minutes 59 seconds east 291.33 feet to a corner; thence crossing the bed of the herein-described Brown Drive south 8 degrees 18 minutes 1 second east 50 feet to a corner on the aforementioned southerly right-of-way line of Brown Drive; thence along the same south 81 degrees 41 minutes 59 seconds west 45.03 feet to the place of beginning.

(d) Easements generally.—These 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 any telephone, telegraph, water, electric, sewer, gas or pipeline 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 land or improvements erected thereon.

(e) Restricted to educational purposes.—The deed of conveyance shall restrict the use of the property for educational purposes only. If the grantee or successor in function uses the property for noneducational purposes, leases the land for noneducational or nonagricultural purposes or attempts to sell the property within 25 years from the date the property is deeded to the grantee, the property shall immediately revert to and revest in the Commonwealth of Pennsylvania. This restriction shall cease 25 years after the date the property is deeded to the grantee.

(f) Approval and execution of deed.—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.

(g) Costs and fees.—Costs and fees incidental to these conveyances which are customarily paid by grantees, such as recording fees, shall be borne by the grantee.

(h) Deposit of proceeds.—The proceeds from the sale shall be deposited in the Purchasing Fund of the Department of General Services to pay for costs and fees incurred for marketing and other measures to prepare the

adjacent Pennhurst Center for sale, as well as the costs and fees incurred by the Department of General Services as authorized under section 2406-A of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929. Any proceeds remaining after payment of the costs and fees incurred by the Department of General Services shall be transferred to the General Fund.

Section 2. This act shall take effect immediately.

APPROVED—The 16th day of May, A.D. 1996.

THOMAS J. RIDGE