

## No. 2003-12

## AN ACT

## SB 44

Authorizing and directing the Department of General Services, with the approval of the Governor, to grant and convey to Millennium Neighborhood Church, Inc., certain lands situate in Susquehanna Township, Dauphin County; and authorizing and directing the Department of General Services, with the approval of the Governor, to transfer jurisdiction and control from the Department of General Services to the Department of Conservation and Natural Resources of certain lands situate in the City of Philadelphia, Philadelphia County; and authorizing and directing the Department of General Services, with the approval of the Governor, to grant and convey to the Philadelphia Authority for Industrial Development a tract of land situate in the City of Philadelphia, Philadelphia County.

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

**Section 1. Susquehanna Township, Dauphin County.**

(a) **Conveyance authorized.**—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 Millennium Neighborhood Church, Inc., certain lands situate on the grounds of the former Pennsylvania State Police headquarters described in subsection (b) for fair market value as determined by an independent appraisal.

(b) **Property description.**—The property to be conveyed pursuant to this section consists of approximately 2.83 acres of land bounded and described as follows:

All that certain tract of land, with the existing structures and appurtenances erected thereon, located on the north side of Herr Street and situate in the Township of Susquehanna, County of Dauphin and Commonwealth of Pennsylvania, as shown on the property plan prepared by the Department of General Services (DGS), designated as Project No. DGS A 900-1, dated June 12, 1979 and being more fully bounded and described, as follows, to wit:

Beginning at a point, said point being the easternmost corner of the herein described tract of land;

Thence, leaving said Beginning Point and along the northern Right-of-Way line of Herr Street, South 78 degrees 18 minutes 43 seconds West 591.29 feet to a point, in line of land of the Commonwealth of Pennsylvania;

Thence, along the same, the eight (8) following courses and distances, viz:

1. North 11 degrees 23 minutes 43 seconds West 114.28 feet to a point

2. North 79 degrees 01 minutes 54 seconds East 197.16 feet to a point
3. North 14 degrees 43 minutes 00 seconds West 14.58 feet to a point
4. North 75 degrees 06 minutes 46 seconds East 34.71 feet to a point
5. North 38 degrees 46 minutes 20 seconds East 333.92 feet to a point
6. North 56 degrees 23 minutes 21 seconds East 55.74 feet to a point
7. North 75 degrees 35 minutes 00 seconds East 48.53 feet to a point
8. South 12 degrees 00 minutes 00 seconds East 364.02 feet to the Place of Beginning

Containing: 2.83 acres

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

(d) Deed.—The deed of conveyance shall be by Special Warranty Deed and shall be executed by the Secretary of General Services in the name of the Commonwealth of Pennsylvania.

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

(f) Alternative disposition.—In the event that this conveyance is not executed within 12 months of the effective date of this act, the property may be disposed of in accordance with section 2406-A of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929.

(g) Deposit of proceeds.—The proceeds from the sale shall be deposited in the Capital Facilities Fund to lease or purchase storage/swing space for the Department of General Services for Project No. DGS 948-35. Any proceeds remaining shall be transferred to the General Fund.

## Section 2. Transfer of jurisdiction in Philadelphia County.

(a) Transfer of jurisdiction authorized.—The Department of General Services, with the approval of the Governor, is hereby authorized and directed on behalf of the Commonwealth of Pennsylvania to transfer jurisdiction and control from the Department of General Services to the Department of Conservation and Natural Resources certain lands situate in the City of Philadelphia, Philadelphia County, as more fully described in subsection (b). These lands shall be added to those lands designated as Benjamin Rush State Park by the act of December 22, 1975 (P.L.606, No.175), entitled, "An act authorizing and directing the Department of General Services, or such department and The General State Authority, to convey to Philadelphia or transfer jurisdiction within the State government of certain tracts of Commonwealth real property acquired under the act of September 29, 1938 (Sp. Sess., P.L.53, No.21), entitled, as amended, 'An

act relating to institutions of counties, cities, wards, boroughs, townships, institution districts and other political subdivisions, for the care, maintenance, and treatment of mental patients; providing for the transfer to the Commonwealth for the care, maintenance and treatment of mental patients of such institutions, and all grounds, lands, buildings and personal property of such political subdivisions used for the care and maintenance of indigent persons connected with such mental institutions; providing for the management and operation or closing and abandonment thereof; and the maintenance of mental patients therein; including the collection of maintenance in certain cases; providing for the retransfer of certain property to counties, cities, wards, boroughs, townships, institution districts and other political subdivisions under certain circumstances; conferring and imposing upon the Governor, the Department of Welfare, the courts of common pleas and counties, cities, wards, boroughs, townships, institution districts and other political subdivisions certain powers and duties; prohibiting cities, counties, wards, boroughs, townships, institution districts and other political subdivisions from maintaining and operating institutions, in whole or in part, for the care and treatment of mental patients; and repealing inconsistent laws,' imposing powers and duties on the Department of Environmental Resources in connection with one such tract, and providing for use of land conveyed to the City of Philadelphia."

(b) Property description.—The property to be transferred pursuant to this section consists of approximately 22.29 acres, more particularly described as follows:

ALL THAT CERTAIN lot or piece of ground situate in the Fifty-eight Ward of the City of Philadelphia and described as follows (subject to an official survey and Plan): BEGINNING at a point on the southwesterly side of Southampton road (sixty feet wide) the two following courses and distances from the northwesterly side of The Roosevelt boulevard (two hundred fifty-four feet wide): (1) north forty-two degrees fifty-four minutes forty seconds west along the southwesterly side of said Southampton road the distance of eight hundred seventy-three and three hundred thirty-five feet to an angle point; and (2) north forty-five degrees six minutes forty seconds west along the southwesterly side of said Southampton road the distance of two hundred six and one hundred sixty-eight one-thousandths feet to said beginning point; thence extending south forty-eight degrees forty-six minutes fifty seconds west the distance of nine hundred seventy-one and sixty-nine one-thousandths feet to a point; thence extending north forty-four degrees forty-six minutes fifty-four seconds west the distance of nine hundred fifty-seven and four hundred seventy-four one-thousandths feet to a point; thence extending north forty-three degrees nine minutes one second east the distance of nine hundred fifty-nine and seven hundred sixty-seven one-thousandths feet to a point on the southwesterly side of said Southampton road; thence extending south fifty-four degrees ten minutes eight seconds east along the southwesterly side of said Southampton road

the distance of twenty-five and four hundred one-thousandths feet to an angle point; thence extending south forty-five degrees six minutes forty seconds east along the southwesterly side of said Southampton road the distance of one thousand twenty-seven and four hundred one one-thousandths feet to a point, being the first mentioned point and place of beginning.

CONTAINING in area nine hundred seventy thousand nine hundred thirty-eight square feet or twenty-two and two thousand eight hundred seventy-four ten-thousandths acres.

(c) Removal of structures.—Out of funds generated in section 3, the Department of General Services shall remove, or contract to have removed, all structures, debris and hazardous waste from the property prior to transfer to the Department of Conservation and Natural Resources.

(d) Interagency transfer agreement.—The interagency transfer agreement shall be executed by the Secretary of General Services and the Secretary of Conservation and Natural Resources.

Section 3. Conveyance in Philadelphia County.

(a) Conveyance authorized.—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 Philadelphia Authority for Industrial Development, or its assigns, certain land and improvements thereon known as Philadelphia State Hospital described in subsection (b) for the consideration stated in subsection (c) and subject to the conditions and restrictions established by this law and by the Department of General Services.

(b) Property description.—The property to be conveyed pursuant to this section consists of approximately 130.8 acres and improvements thereon situate in the Fifty-eighth Ward of the City of Philadelphia bounded and described as follows (subject to an official Survey and Plan):

#### TRACT ONE

Beginning at the point of intersection of the northwesterly side of The Roosevelt Boulevard (two hundred fifty-four feet wide) and the northeasterly side of Southampton Road (sixty feet wide); thence extending north forty-two degrees fifty-four minutes four seconds west along the northeasterly side of the said Southampton Road the distance of eight hundred seventy-five and five hundred forty-two one-thousandths feet to an angle point; thence continuing north forty-five degrees six minutes forty seconds west along the northeasterly side of said Southampton Road the distance of approximately seven hundred forty-three feet to a point; thence extending northeastwardly along a line the distance of approximately two thousand forty-two feet to an angle point; thence extending northwardly along a line the distance of approximately thirty-five feet to a point; thence extending eastwardly along a line the distance of approximately forty-four feet to a point; thence extending northeastwardly along a line the distance of approximately two hundred twenty-one feet to an angle point along the

southwesterly boundary of Benjamin Rush State Park; thence extending south eighty-eight degrees fifty-three minutes twenty-eight seconds east along a line the distance of two hundred feet to an angle point; thence extending north forty-six degrees six minutes thirty-two seconds east the distance of four hundred twelve and two hundred ninety-two one-thousandths feet to a point; thence extending south forty-one degrees fifty-four minutes eleven seconds east the distance of eight hundred fifty-one and one hundred sixty-eight one-thousandths feet to a point; thence extending south forty-eight degrees five minutes forty-nine seconds west the distance of two hundred ninety-two and six hundred thirty-one one-thousandths feet to a point; thence extending south three degrees five minutes forty-nine seconds west the distance of three hundred sixty-eight and nine hundred twenty-seven one-thousandths feet to a point; thence extending south forty-one degrees fifty-four minutes eleven seconds east the distance of three hundred seventy-six and two hundred thirteen one-thousandths feet to a point; thence extending south eighty-six degrees fifty-four minutes eleven seconds east the distance of four hundred forty-two and five hundred thirty one-thousandths feet to a point on the northwesterly side of said The Roosevelt Boulevard; thence extending south forty-eight degrees five minutes forty-nine seconds west along the northwesterly side of said The Roosevelt Boulevard the distance of two thousand five hundred sixty-seven and one hundred fifteen one-thousandths feet to a point on the northeasterly side of said Southampton Road, being the first mentioned point and place of Beginning. Containing 105.2-acres.

#### Tract 2

Beginning at the point of intersection of the southwesterly side of Carter Road (forty-six and fifty one-hundredths feet wide) and the northeasterly side of Southampton Road (sixty feet wide); thence extending north forty-one degrees four minutes twenty-two seconds east along the southwesterly side of said Carter Road the distance of one thousand four hundred three and three hundred ten one-thousandths feet to an angle point; thence continuing along the southeasterly side of said Carter Road the distance of nine hundred twenty-eight and four hundred forty-two one-thousandths feet to a point; thence extending south forty-three degrees fifty-three minutes twenty-eight seconds east the distance of four hundred feet to an angle point; thence extending southwestwardly along a line the distance of approximately two hundred twenty-one feet to an angle point; thence extending westwardly along a line the distance of approximately forty-four feet to a point; thence extending southwardly along a line the distance of approximately thirty-five feet to an angle point; thence extending southwestwardly along a line the distance of approximately two thousand forty-two feet to a point on the northeasterly side of said Southampton Road; thence extending north forty-five degrees six minutes forty seconds west along the northeasterly side of said Southampton Road the distance of

approximately five hundred two feet to a point on the southwesterly side of said Carter Road, being the first mentioned point and place of Beginning.

Containing 25.6-acres.

(c) Consideration.—In consideration for the purchase of the property, Philadelphia Authority for Industrial Development shall pay to the Department of General Services the lesser of the sum of \$850,000 or the total removal costs expended by the Department of General Services under section 2(c). Such consideration shall be paid at closing. To the extent that the actual removal costs are not known at closing, Philadelphia Authority for Industrial Development shall pay \$850,000 at closing. If the actual total removal costs expended by the Department of General Services are less than \$850,000, Philadelphia Authority for Industrial Development shall receive a monetary refund for the difference between \$850,000 and the actual amount of the total removal costs expended by the Department of General Services.

(d) Conditions.—This conveyance shall be made under and subject to all lawful and enforceable easements, servitudes and rights of others, including, but not confined to, streets, roadways and rights of any telephone, telegraph, water, electric, gas or pipeline companies, as well as under and subject to any other easement of record.

(e) Restriction.—The deed of conveyance shall contain the following restriction:

UNDER AND SUBJECT to the restrictions, limitations and conditions that a portion of the lands conveyed, known herein as "Tract 2," shall be used and limited to permitted open space benefits as defined in section 2 of the act of January 19, 1968 (1967 P.L.992, No.442), entitled, as amended, "An act authorizing the Commonwealth of Pennsylvania and the local government units thereof to preserve, acquire or hold land for open space uses."

(f) Deed.—The deed of conveyance shall be by Special Warranty Deed 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 this conveyance shall be borne by the grantee.

(h) Proceeds.—Sale proceeds from this conveyance shall be deposited into the Capital Facilities Fund to be used by the Department of General Services to remove, or to contract to have removed, all structures, debris and hazardous waste from the property to be transferred to the Department of Conservation and Natural Resources required in section 2.

(i) Alternative disposition.—In the event that, within six months of the effective date of this act, this conveyance is not executed in accordance with this act and the terms established in the Agreement of Sale with the Department of General Services dated July 17, 2002, as amended through June 30, 2003, the property may be disposed of in accordance with Article 2406-A of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929.

**Section 4. Effective date.**

This act shall take effect immediately.

APPROVED—The 17th day of July, A.D. 2003.

EDWARD G. RENDELL