

No. 2019-61

AN ACT

SB 130

Authorizing the Department of General Services, with the approval of the Governor, to release a portion of the use restriction and reversionary interest affecting certain real property situate partly in the Township of Mahoning and partly in the Borough of Danville, County of Montour; authorizing the Department of General Services, with the approval of the Governor, to grant and convey to the County of Mifflin certain lands of the Commonwealth of Pennsylvania at the State Fire Academy situate in the Borough of Lewistown, Mifflin County, together with appurtenant parking, for the benefit of the general public; and authorizing the Department of General Services, with the approval of Shippensburg University of Pennsylvania of the State System of Higher Education and the Governor, to grant and convey to the Cumberland Valley Rails to Trails Council a permanent easement from lands of the Commonwealth of Pennsylvania at Shippensburg University of Pennsylvania situate in Shippensburg Township, Cumberland County, for the purpose of establishing and maintaining a parking lot for the benefit of the general public utilizing the Cumberland Valley Rail Trail.

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

Section 1. Release of restriction in Montour County.

(a) Authorization.—The Department of General Services, with the approval of the Governor, is hereby authorized on behalf of the Commonwealth of Pennsylvania to release a portion of the use restriction and associated reversionary interest affecting certain real property previously conveyed to the Borough of Danville by the Commonwealth of Pennsylvania, through the Department of General Services, pursuant to the authority contained in section 1 of Act 109 of 1994, on such terms, conditions and for such consideration as is acceptable to the Secretary of General Services, with the portion of the property to be released to be less than or equal to 40 acres. The use restriction and associated reversionary interest to be released is specifically set forth in section 1(c) of Act 109 of 1994.

(b) Property description.—The use restriction and associated reversionary interest referenced in subsection (a) affects a tract of land totaling approximately 459.22 acres, situate partly in the Township of Mahoning and partly in the Borough of Danville, County of Montour, bounded and described as follows:

Beginning at a point on the southern side of U.S. Route 11, said point being the northernmost point of the described tract of land; thence along the outside perimeter the following courses and distances: south 86 degrees 35 minutes 54 seconds east 1084.29 feet; south 85 degrees 18 minutes 36 seconds east 934.96 feet; thence on a curve to the left having an arc distance of 412.88 feet, radius of 1761.34 feet and a chord length of 411.94 feet; thence north 81 degrees 15 minutes 33 seconds east 455.73 feet; south 70 degrees 55 minutes 11 seconds east 124.07 feet; south 71 degrees 48 minutes 46 seconds east 2111.92 feet; south 76 degrees 57 minutes 44 seconds east

98.98 feet; south 80 degrees 51 minutes 25 seconds east 93.82 feet; south 80 degrees 53 minutes 49 seconds east 75.13 feet; south 17 degrees 28 minutes 55 seconds east 1177.93 feet; south 68 degrees 18 minutes 28 seconds west 483.52 feet; south 82 degrees 40 minutes 10 seconds west 2149.80 feet; south 16 degrees ten minutes 23 seconds east 337.45 feet; south 76 degrees 4 minutes 23 seconds west 1348.82 feet; south 15 degrees 25 minutes 48 seconds west 183.63 feet; south 3 degrees 21 minutes 55 seconds east 465.40 feet; south 67 degrees 19 minutes 43 seconds east 211.58 feet; south 7 degrees 20 minutes 57 seconds west 48.36 feet; south 86 degrees 48 minutes 17 seconds east 69.28 feet; north 32 degrees 11 minutes 43 seconds east 24.87 feet; south 18 degrees 14 minutes 16 seconds east 1413.98 feet; south 74 degrees west 920.71 feet; south 22 minutes 35 seconds west 447.95 feet; north 88 degrees 14 minutes 59 seconds west 498.09 feet; south 4 degrees 19 minutes 40 seconds west 625.33 feet; north 75 degrees 31 minutes 5 seconds west 934.41 feet; north 71 degrees 4 minutes 15 seconds west 450.96 feet; north 64 degrees 52 minutes 10 seconds west 1053.62 feet; north 56 degrees 21 minutes 57 seconds west 514.63 feet; north 49 degrees 29 minutes 48 seconds west 494.38 feet; north 41 degrees 26 minutes 44 seconds west 921.33 feet; south 40 degrees 32 minutes 32 seconds west 97.56 feet; north 34 degrees 1 minute 37 seconds west 192.92 feet; north 37 degrees 29 minutes 41 seconds east 63.59 feet; north 52 degrees 55 minutes 35 seconds 149.62 feet; south 67 degrees 6 minutes 25 seconds east 225.10 feet; north 52 degrees 20 minutes 35 seconds east 613 feet; north 39 degrees 12 minutes 45 seconds west 790.39 feet; north 28 degrees 40 minutes 38 seconds east 100.14 feet; north 36 degrees 23 minutes 16 seconds west 167.47 feet; north 32 degrees 4 minutes 13 seconds west 135.41 feet; north 58 degrees 33 minutes 39 seconds east 72.18 feet; south 29 degrees 58 minutes 39 seconds east 98.19 feet; south 35 degrees 49 minutes 7 seconds east 107.13 feet; north 66 degrees 38 minutes 24 seconds east 369.02 feet; thence along Department of Public Welfare south 27 degrees 22 minutes 2 seconds east 279.62 feet; north 75 degrees 1 minute 29 seconds east 76.60 feet; south 36 degrees 33 minutes 26 seconds east 119.38 feet; south 22 degrees 26 minutes 59 seconds east 936.78 feet; south 61 degrees 51 minutes 55 seconds west 183.32 feet; south 36 degrees 5 minutes 58 seconds east 454.81 feet; south 34 degrees 38 minutes 20 seconds east 539.47 feet; south 51 degrees 36 minutes 49 seconds west 165.89 feet; south 37 degrees 1 minute 58 seconds east 454.60 feet; north 61 degrees 21 minutes 43 seconds east 213.66 feet; south 43 degrees 45 minutes 17 seconds east 104.91 feet; north 57 degrees 45 minutes 3 seconds east 79.98 feet; north 16 degrees 54 minutes 3 seconds west 92.20 feet; north 63 degrees 22 minutes 10 seconds east 332.69 feet; south 25 degrees 35 seconds east 45.06 feet; north 88 degrees 37 minutes 31 seconds east 263.21 feet; south 47 degrees 20 minutes 35 seconds east 131.01 feet; south 83 degrees 20 minutes 9 seconds east 341.87 feet; north 57 degrees 26 minutes 44 seconds east 370 feet; north 47 degrees 22 minutes 36 seconds west 350 feet; north 59 degrees 8 minutes 33 seconds east 177.94 feet; north 78 degrees 42 minutes 35 seconds east 123.09 feet; north 73 degrees 44 minutes 12 seconds east 83.44 feet; north 51 degrees 8 minutes 56 seconds east 284.26 feet; north 51 degrees 40 minutes 50 seconds east 320.50 feet; north 45 degrees 34 minutes 58 seconds east 522.22 feet; north

21 degrees 19 minutes 29 seconds west 1081.47 feet; south 77 degrees 38 minutes 8 seconds west 303.36 feet; south 71 degrees 23 minutes 51 seconds west 347.80 feet; north 20 degrees 34 minutes 58 seconds west 310 feet; south 78 degrees 26 minutes west 250 feet; north 15 degrees 44 minutes 51 seconds west 1027.69 feet; south 81 degrees 13 minutes 20 seconds west 310 feet; south 10 degrees 36 seconds west 73.83 feet; south 81 degrees 13 minutes 20 seconds west 106.77 feet; south 4 degrees 27 minutes 3 seconds west 655.42 feet; south 81 degrees 41 minutes 23 seconds west 997.11 feet; thence along the outside perimeter north 31 degrees 12 minutes 21 seconds east 966.90 feet; south 85 degrees 12 minutes 3 seconds east 159.32 feet; north 5 degrees 44 minutes 26 seconds east 116.14 feet; south 86 degrees 14 minutes 19 seconds east 464.22 feet; north 2 degrees 55 minutes 48 seconds east 157.74 feet; north 5 degrees 45 minutes 1 second west 651.40 feet; south 84 degrees 38 minutes 1 second east 359.44 feet; north 3 degrees 30 minutes 48 seconds east 1135.76 feet to the place of beginning.

(c) Description of restriction and reversionary interest.—The use restriction and associated reversionary interest referenced in subsection (a) is as follows:

"The land and buildings shall only be used for agricultural purposes and for use of sewer sludge application related to agricultural uses, and, if at any time the property is used for other purposes, the title thereto shall immediately revert to and revest in the Commonwealth of Pennsylvania."

(d) Legal instruments.—Any legal instruments necessary to release the use restriction and reversionary interest under this section shall be executed by the Secretary of General Services in the name of the Commonwealth of Pennsylvania.

(e) Costs and fees.—Any costs and fees incidental to the release authorized under this section shall be borne by the Borough of Danville.

(f) Proceeds.—Any proceeds received by the Department of General Services for the release authorized under this section shall be deposited into the General Fund.

(g) Definition.—As used in this section, the term "Act 109 of 1994" shall mean the act of December 7, 1994 (P.L.784, No.109), entitled "An act authorizing and directing the Department of General Services, with the approval of the Governor, the Department of Public Welfare and the Department of Agriculture, to grant and convey to the Borough of Danville, Montour County, land situate in Mahoning Township and in the Borough of Danville, Montour County, Pennsylvania; authorizing and directing the Department of General Services, with the approval of the Governor, to convey to Glade Township Volunteer Fire Department, Inc., a tract of land situate in Glade Township, Warren County, Pennsylvania; authorizing the Department of General Services, with the approval of the Governor, to convey a tract of land situate in Frenchcreek Township, Venango County, Pennsylvania; authorizing and directing the Department of General Services, with the approval of the Governor and the Department of Corrections, to convey a tract of land in Mount Joy Township, Lancaster County, Pennsylvania; authorizing the conveyance of a permanent right-of-way over certain State land to the Middletown Fire Company No. 1, Delaware County, Pennsylvania; and authorizing the Department of General Services, with the

approval of the Governor and the Secretary of Environmental Resources, to sell and convey to Mr. and Mrs. Harold Harris certain land situate in the Borough of South Philipsburg, Township of Rush, Centre County, Pennsylvania."

Section 2. Conveyance in the Borough of Lewistown, Mifflin County.

(a) Authorization.—The Department of General Services, with the approval of the Governor and the State Fire Commissioner, is hereby authorized on behalf of the Commonwealth of Pennsylvania to grant and convey to Mifflin County a permanent easement from lands of the Commonwealth of Pennsylvania at the State Fire Academy situate in the Borough of Lewistown, Mifflin County, for the purpose of establishing and maintaining a recreational hiking trail, together with appurtenant parking for the benefit of the general public for \$1 and under terms and conditions to be established in an easement agreement.

(b) Property description.—The permanent easement to be conveyed pursuant to subsection (a) consists of an area of approximately 1.02-acres, bounded and more particularly described as follows:

ALL that certain piece, parcel or lot of land situate in the Borough of Lewistown, County of Mifflin, Commonwealth of Pennsylvania, depicted on a plan prepared by The EADS Group, dated March 2019, as last revised, and being more fully described as follows:

BEGINNING at a point along Riverside Drive, THENCE North 57°22'17" East, 247.79 feet to a point of non-tangency;

THENCE South 85°11'29" East, 166.94 feet to the beginning of a curve concave southerly, said curve has a radius of 65.00 feet;

THENCE easterly along said curve through a central angle of 25°36'54" an arc distance of 29.06 feet to a point of tangency;

THENCE South 59°34'35" East, 81.41 feet to the beginning of a non-tangent curve concave southwesterly, said curve has a radius of 42.38 feet, to which a radial line bears North 30°45'54" East;

THENCE southeasterly along said curve through a central angle of 71°20'32" an arc distance of 52.77 feet to a point of non-tangency;

THENCE South 7°38'35" West, 28.79 feet to a point of non-tangency;

THENCE North 65°11'11" East, 72.23 feet to a point of non-tangency; to a shared boundary with now or formerly Mifflin Concrete, Inc, THENCE along that boundary South 46°20'50" East, 32.25 feet to a point of non-tangency;

THENCE South 65°11'11" West, 96.68 feet to the beginning of a curve concave southeasterly, said curve has a radius of 85.00 feet;

THENCE southwesterly along said curve through a central angle of 25°30'52" an arc distance of 37.85 feet to a point of tangency;

THENCE South 39°40'19" West, 344.42 feet to the beginning of a curve concave southeasterly, said curve has a radius of 85.00 feet;

THENCE southwesterly along said curve through a central angle of 14°14'23" an arc distance of 21.13 feet to a point of tangency;

THENCE South 25°25'56" West, 442.21 feet to a point of non-tangency; to a shared boundary with now or formerly Lowes Home Center, Inc;

THENCE along that boundary, North 77°36'20" West, 30.79 feet to a point of non-tangency;

THENCE North $25^{\circ}25'56''$ East, 449.15 feet to the beginning of a curve concave southeasterly, said curve has a radius of 115.00 feet;

THENCE northeasterly along said curve through a central angle of $14^{\circ}14'23''$ an arc distance of 28.58 feet to a point of tangency;

THENCE North $39^{\circ}40'19''$ East, 344.42 feet to the beginning of a curve concave southeasterly, said curve has a radius of 115.00 feet;

THENCE northeasterly along said curve through a central angle of $10^{\circ}19'14''$ an arc distance of 20.71 feet to a point of reverse curvature, said curve is concave northwesterly and has a radius of 15.00 feet;

THENCE northeasterly along said curve through a central angle of $42^{\circ}20'58''$ an arc distance of 11.09 feet to a point of tangency;

THENCE North $7^{\circ}38'35''$ East, 46.54 feet to the beginning of a non-tangent curve concave westerly and has a radius of 12.38 feet, to which a radial line bears South $74^{\circ}05'35''$ East;

THENCE northerly along said curve through a central angle of $74^{\circ}51'05''$ an arc distance of 16.18 feet to a point of non-tangency;

THENCE North $59^{\circ}34'35''$ West, 81.29 feet to the beginning of a curve concave southerly and has a radius of 35.00 feet;

THENCE westerly along said curve through a central angle of $25^{\circ}36'54''$ an arc distance of 15.65 feet to a point of tangency;

THENCE North $85^{\circ}11'29''$ West, 192.42 feet to a point of non-tangency;

THENCE South $32^{\circ}21'43''$ East, 21.67 feet to a point of non-tangency;

THENCE South $57^{\circ}22'19''$ West, 119.98 feet to a point of non-tangency;

THENCE North $32^{\circ}25'08''$ West, 14.73 feet to a point of non-tangency;

THENCE South $57^{\circ}34'52''$ West, 89.30 to a point of non-tangency;

THENCE North $32^{\circ}37'41''$ West, 14.95 feet to the point of beginning.

CONTAINING 1.02-acres.

The permanent easement is located entirely within the lands known as the State Fire Academy, acquired by an Indenture dated November 13, 1986 from the General State Authority to the Commonwealth of Pennsylvania, acting by and through the Department of General Services, and recorded at the Office of the Recorder of Deeds of Mifflin County at Deed Book 318, Page 998.

(c) Agreement.—The easement agreement, and any other documents necessary to effectuate the above described conveyance, shall be executed by the Secretary of General Services in the name of the Commonwealth of Pennsylvania.

(d) Restrictive covenants.—The easement agreement shall contain a provision that the easement shall be utilized by the grantee, its successors or assigns, solely for the purposes of establishing and maintaining a recreational hiking trail, together with appurtenant parking, for the benefit of the general public and for no other purpose. Should the easement not be utilized for the purposes set forth in this section, the easement shall automatically extinguish.

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

(f) Expiration.—If the parties have not entered into an easement agreement within two years of the effective date of this act, the authorization contained herein shall expire.

Section 3. Conveyance in Shippensburg Township, Cumberland County.

(a) Authorization.—The Department of General Services, with the approval of Shippensburg University of Pennsylvania of the State System of Higher Education and the Governor, is authorized on behalf of the Commonwealth of Pennsylvania to grant and convey to the Cumberland Valley Rails to Trails Council a permanent easement from lands of the Commonwealth of Pennsylvania at Shippensburg University of Pennsylvania situate in Shippensburg Township, Cumberland County, for the purpose of establishing and maintaining a parking lot for the benefit of the general public utilizing the Cumberland Valley Rail Trail for \$1 and under terms and conditions to be established in an easement agreement.

(b) Property description.—The permanent easement to be conveyed under subsection (a) consists of approximately 4,352 square feet of land, bounded and more particularly described as follows:

ALL that certain piece, parcel or lot of land situate on the north side of Fort Street within the lands now or formerly of the Commonwealth of Pennsylvania, Department of General Services (Shippensburg University) in Shippensburg Township, Cumberland County, Pennsylvania and being more fully described as follows:

BEGINNING at a concrete monument on the northern right-of-way line of Fort Street where it is intersected by the eastern boundary line of lands of Cumberland Valley Rails to Trails Council; thence along said boundary line N 06°35'32" E a distance of 165.48 feet to a point; thence extending through lands of the Commonwealth of Pennsylvania, Department of General Services (Shippensburg University) S 88°41'17" E a distance of 23.03 feet to a point; thence continuing through same S 03°09'10" W a distance of 149.06 feet to a point on the northern right-of-way line of Fort Street; thence along said right-of-way line S 66°02'54" W a distance of 37.01 feet to a concrete monument, the point of BEGINNING.

CONTAINING 4,352 square feet.

(c) Easement agreement.—The easement agreement and any other documents necessary to effectuate the conveyance under this section shall be executed by the Secretary of General Services in the name of the Commonwealth of Pennsylvania.

(d) Restrictive covenants.—The easement agreement shall contain a provision that the easement shall be utilized by the grantee, its successors or assigns, solely for the purposes of establishing and maintaining a parking lot for the benefit of the general public utilizing the Cumberland Valley Rail Trail and for no other purpose. Should the easement not be utilized for the purposes specified in this section, the easement shall automatically be extinguished.

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

(f) Expiration.—In the event that the parties have not entered into an easement agreement within two years of the effective date of this section, the authorization contained in this section shall expire.

Section 4. Effective date.

This act shall take effect immediately.

APPROVED—The 2nd day of July, A.D. 2019

TOM WOLF