

No. 1994-21

AN ACT

HB 116

Authorizing the Department of Transportation, with the approval of the Governor, to sell and convey to the Township of Penn Hills certain excess land situate partly in the Township of Penn Hills and partly in the Borough of Plum, Allegheny County.

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

Section 1. Conveyance authorization.

The Department of Transportation, with the approval of the Governor, is hereby authorized and directed on behalf of the Commonwealth of Pennsylvania to grant, sell and convey to the Township of Penn Hills for consideration of the amount equal to one-half of the fair market value, as determined by an independent appraiser appointed by the department, the tract of land described in section 2.

Section 2. Property description.

The property to be conveyed pursuant to section 1 is the following tract of land situate partly in the Township of Penn Hills and partly in the Borough of Plum, Allegheny County, Pennsylvania, bounded and described as follows:

Beginning at a point on the easterly right-of-way line of the Pennsylvania Railroad Company at the dividing line of land now or formerly of G. M. Beatty and land herein described; thence from said point of beginning and along the line of land now or formerly of G. M. Beatty north 66 degrees 37 minutes 10 seconds east, a distance of 254.58 feet to a point on line of land now or formerly of J. Bode; thence along the line of land now or formerly of J. Bode north 13 degrees 32 minutes east, a distance of 313.35 feet to a point in Plum Creek; thence continuing along line of land now or formerly of J. Bode north 33 degrees 15 minutes west, a distance of 129.77 feet to a point; thence continuing along the line of land now or formerly of J. Bode north 49 degrees 44 minutes east, a distance of 30.85 feet to a point in Plum Creek; thence continuing along line of land now or formerly of J. Bode north 19 degrees 29 minutes 10 seconds west, a distance of 71.50 feet to a point; thence continuing along line of land now or formerly of J. Bode north 24 degrees 43 minutes 10 seconds west, a distance of 403.145 feet to a point; thence continuing along line of land now or formerly of J. Bode north 15 degrees 50 minutes 30 seconds west, a distance of 227.13 feet to a point on line of land now or formerly of Pittsburgh, Bessemer and Lake Erie Railroad; thence along line of land now or formerly of the Pittsburgh and Lake Erie Railroad north 3 degrees 50 seconds east, a distance of 285.39 feet to a point; thence still along line of land now or formerly of the Pittsburgh and Lake Erie Railroad north 11 degrees 16 minutes 50 seconds west, a distance of

191.70 feet to a point; thence continuing along line of land now or formerly of the Pittsburgh, Bessemer and Lake Erie Railroad north 79 degrees 8 minutes west, a distance of 95 feet to a point in Plum Creek; thence continuing along line of land now or formerly of Pittsburgh, Bessemer and Lake Erie Railroad by an arc of a circle curving to the right, having a radius of 200 feet, the chord of which bears south 21 degrees 14 minutes 19 seconds west, 19.98 feet, an arc distance of 20 feet to a point in a public road, said public road designated as Legislative Route No. 02162; thence through Legislative Route No. 02162 north 78 degrees 11 minutes 13 seconds west, a distance of 134.67 feet to a point on the center line of Legislative Route No. 02162; thence along line of land now or formerly of Peter Wagner south 9 degrees 50 minutes east, a distance of 158.65 feet to a point; thence continuing along line of land now or formerly of Peter Wagner the following two courses and distances: south 20 degrees 1 minute 40 seconds west, a distance of 59.10 feet to a point and south 5 degrees 37 minutes west, a distance of 65.19 feet to a point on line of land of the Pennsylvania Railroad Company right-of-way; thence along the right-of-way line of the Pennsylvania Railroad Company by an arc of a circle curving to the right having a radius of 392.26 feet, an arc distance of 35 feet to a point; thence continuing along the right-of-way line of the Pennsylvania Railroad Company south 13 degrees 15 minutes 10 seconds east, a distance of 217.835 feet to a point on line of Lot No. 11 in the Millersville Plan of Lots as recorded in the Office of Recorder of Deeds of Allegheny County, in Plan Book Volume 2, Page 23; thence along line of Lot No. 11 and Lot No. 14 in said Millersville Plan of Lots south 33 degrees 15 minutes east, a distance of 226.435 feet to a point; thence continuing along Lot No. 14 in said Millersville Plan of Lots south 55 degrees 57 minutes west, a distance of 82.855 feet to a point on line of land of the Pennsylvania Railroad Company right-of-way; thence along the right-of-way of the Pennsylvania Railroad Company south 13 degrees 15 minutes 10 seconds east, a distance of 250.12 feet to a point of curve; thence continuing along the right-of-way line of the Pennsylvania Railroad Company by an arc of a circle curving to the right having a radius of 2897.93 feet, an arc distance of 690.43 feet to a point at the place of beginning.

Containing 9.169 acres.

Section 3. Easements, etc.

The conveyance 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 the land or improvements erected thereon.

Section 4. Deposit of proceeds.

The proceeds of this sale shall be paid into the State Treasury and deposited in the Motor License Fund.

Section 5. Approval and execution of deed.

The deed of conveyance shall be approved as provided by law and shall be executed by the Secretary of Transportation in the name of the Commonwealth of Pennsylvania.

Section 6. Costs and fees.

Costs and fees incidental to the conveyance shall be borne by the grantee.

Section 7. Right of reversion.

The deed of conveyance shall contain a clause that the property conveyed shall be used by the Township of Penn Hills to provide athletic fields for local youth, including baseball activities supervised by the Penn Hills Baseball Association. If at any time the Township of Penn Hills or its successor in function conveys the property or permits the property to be used for any purpose other than those specified in this section, the title to the property shall immediately revert to and revest in the Commonwealth of Pennsylvania.

Section 8. Effective date.

This act shall take effect immediately.

APPROVED—The 29th day of April, A.D. 1994.

ROBERT P. CASEY