

No. 2000-109

AN ACT

SB 1330

Authorizing the Department of General Services, with the approval of the Governor, to sell and convey to the Wernersville Municipal Authority certain land situate on Wernersville State Hospital, South Heidelberg Township, Berks County; and authorizing the Department of General Services, with the approval of the Governor and the Department of Transportation, to convey to the Grand Canyon Airport Authority certain lands situate in Shippen and Delmar Townships, Tioga County.

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

Section 1. (a) Authorization for land in South Heidelberg Township, Berks County.—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 Wernersville Municipal Authority the tract of land described in subsection (b) for fair consideration based on a fair market value as determined by an independent appraisal in accordance with the terms of a certain lease agreement between Wernersville Municipal Authority and the Commonwealth of Pennsylvania acting through the Department of General Services, Commonwealth of Pennsylvania, dated the 14th day of May 1999.

(b) Description.—The property to be conveyed pursuant to subsection (a) is all that certain parcel or tract of land situate at the southwestern corner of Hospital Lane and Furnace Road in the Township of South Heidelberg, County of Berks, Commonwealth of Pennsylvania, as shown on Drawing No. 5221-131-C-011, dated October 11, 1999, prepared by Spotts, Stevens and McCoy, Inc. Consulting Engineers of Reading, Pennsylvania, and being more fully bounded and described as follows, to wit:

BEGINNING at a railroad spike found at or near the centerline intersection of Hospital Lane and Furnace Road (T-382) and on the northwestern line of property belonging to Kenneth A. Orr and Polly Kahl; thence along said land and running partially along the center on Furnace Road, South forty-two degrees forty-two minutes sixteen seconds West (S. 42 degrees 42' 16" W.), a distance of three hundred five and eighty hundredths feet (305.80') to a steel pipe found; thence along property belonging to Francis W. and Maebelle S. Ruth, South four degrees twenty-three minutes zero seconds West (S. 04 degrees 23' 00" W.), a distance of eighty-nine and thirty-two hundredths feet (89.32') to a steel pin set; thence through property belonging to the Commonwealth of Pennsylvania (Wernersville State Hospital), grantor herein, the two (2) following bearings and distances, viz: (1) passing through a steel pin set on line seventy-five and zero hundredths feet (75.00') from the last described corner, North

forty-seven degrees thirty-eight minutes twenty-five seconds West (N. 47 degrees 38' 25" W.), a distance of two hundred eighty and thirty-nine hundredths feet (280.39') to a steel pin set, and (2) passing through a steel pin set on line twenty-five and zero hundredths feet (25.00') from the next described corner, North forty-two degrees twenty-one minutes thirty-five seconds East (N. 42 degrees 21' 35" E.), a distance of three hundred seventy-seven and six hundredths feet (377.06') to a railroad spike set in or near the center of Hospital Lane; thence along or near the center of Hospital Lane, being the southwestern line of property belonging to Evelyn B. Willetts Revocable Living Trust, Evelyn B. Willetts and J. MacDonald Willetts, Trustees, South forty-seven degrees twenty-five minutes twenty seconds East (S. 47 degrees 25' 20" E.), a distance of two hundred twenty-seven and twenty-seven hundredths feet (227.27') to the PLACE OF BEGINNING.

CONTAINING IN AREA two and zero hundredths acres (2.00 Acres) of land.

BEING A PORTION OF THE SAME PROPERTY which the General State Authority by deed dated December 3, 1985 and recorded in Deed Book Volume 1893, Page 333, Berks County Records at Reading, Pennsylvania, granted and conveyed unto the Commonwealth of Pennsylvania.

(c) Easements.—The conveyance shall be made under and subject to any and all easements for utilities which cross said property, including, but not limited to, streets, roadways and rights of any storm sewer, electric service, potable water service, as well as under and subject to any interest, estates or tenancies vested in third persons appearing of record, for any portion of the land or improvements erected thereon.

(d) Execution.—

(1) The deed 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.

(2) In the event this property is not conveyed to Wernersville Municipal Authority within five years of the effective date of this act but improvements are made to this property by Wernersville Municipal Authority, the property, at the discretion of the Secretary of General Services, may be offered for sale through auction, sealed bid or request for proposal, under terms of the act of April 9, 1929 (P.L. 177, No. 175), known as The Administrative Code of 1929, and conditions in section 2405-A of The Administrative Code of 1929 authorizing the sale of the herein-noted property to Wernersville Municipal Authority shall automatically cease and become null and void.

(3) In the event this property is not conveyed to Wernersville Municipal Authority within said five-year period and no improvements are made to this property by the Wernersville Municipal Authority under said lease, the land shall remain subject to the provisions of the act of June 18, 1982 (P.L. 549, No. 159), entitled "An act providing for the

administration of certain Commonwealth farmland within the Department of Agriculture.”

(e) Costs.—All other costs and fees, including, but not limited to, appraisal fees, title insurance and surveys, incidental to this conveyance shall be borne by the Grantee.

(f) Disposition of proceeds.—The proceeds from the sale of the land described in this act shall be credited to the Agricultural Conservation Easement Purchase Fund.

Section 2. (a) Authorization for Grand Canyon Airport Authority.—The Department of General Services, with the approval of the Governor and the Department of Transportation, is authorized on behalf of the Commonwealth to convey to the Grand Canyon Airport Authority for the sum of \$1 all property used in the operation of the Grand Canyon Airport and the land described in subsection (b).

(b) Description.—The land to be conveyed under authority of subsection (a) is as follows:

(1) All of that certain piece, parcel, lot, or tract of land situate in the Townships of Delmar and Shippen, County of Tioga, bounded and described as follows, to wit:

Beginning at a point (stake) in what is known as the Stagaman Road, where the same is intersected by the east line of land now or formerly of Bernard and Thelma Mengee, husband and wife, and the west line of the land herein conveyed; thence by the same line of land now or formerly of Bernard and Thelma Mengee north 7 degrees 30 minutes west 620 feet, more or less, to a stake, the northwest corner of the land herein conveyed and the southwest corner of lands now or formerly of Walter Spencer; thence north 83 degrees 0 minutes east 1608 feet, more or less, to a pin on line between Shippen and Delmar Townships, the same being beginning of lands now or formerly known as the Wayne Knowlton lands; thence north 75 degrees 54 minutes east 1208.65 feet, more or less, to a point on the western right-of-way line of what is known as the Dexter or Austin Road (State Highway Route S8017, TR468); thence south 32 degrees 25 minutes east 861 feet, more or less, along the westerly right-of-way line of said road to a point where said westerly right-of-way line intersects the northerly right-of-way line of the Stagaman Road; thence east along the northerly right-of-way line of the Stagaman Road south 82 degrees 30 minutes west 953.5 feet, more or less, to a pin; thence along the same south 83 degrees 0 minutes west 2,218.0 feet, more or less, to the point of beginning; containing 49.25 acres, more or less, and being the same land described as two tracts or parcels in the deed dated April 20, 1948, from Dominick Valentine and Esther Valentine, husband and wife, to Evert I. Gillett and Edna Gillett, husband and wife, and Hazel L. Gillet, as recorded April 21, 1948, in Tioga County Deed Book, Volume 245, at page 588.

(2) All that certain piece, tract, parcel, or lot of land situate in the Township of Delmar, County of Tioga and Commonwealth of Pennsylvania, bounded and described as follows, to wit:

Beginning at the corner (iron pin), the northwest corner hereof between the line of lands of Theodore Darling and of Evert Gillett; thence by what is known as the Stagaman Road north 82 degrees 30 minutes east 720 feet, more or less, to a corner (stake) to what is now or was formerly known as the Campbell Hangar Lot; thence south 18 degrees 0 minutes east 114 feet, more or less, to a pin; thence south 7 degrees 0 minutes east 112 feet, more or less, to an iron pin; thence by line of land now or formerly of Theodore Darling south 83 degrees west 673.6 feet, more or less, to an iron pin; thence north 20 degrees 45 minutes west 255 feet, more or less, to the point or place of beginning and containing 4 acres, more or less.

And being the same land conveyed to Evert Gillett, by deed of Walter B. Campbell and Elizabeth R. Campbell, husband and wife, dated December 30, 1949, and recorded February 28, 1950, in Tioga County Deed Book, Volume 256, at page 153, and from Lyle W. Bockus, in Deed Book No. 253 page 164.

Both of the above tracts of land numbered (1) and (2), as above recited and described, were made the subject of a survey by Joseph H. Knisely on May 5, 1953.

(3) All that certain portion of an original tract, piece, or parcel of land situate in the Township of Shippen, County of Tioga and Commonwealth of Pennsylvania, bounded and described as follows, to wit:

Beginning at an iron pin on the center line of proposed or existing airport runway on the property line between lands now or formerly of Evert Gillett and of Bernard and Thelma Mengee (station 40 plus 00); thence north 6 degrees 30 minutes east 192.744 feet to an iron pin; thence south 85 degrees 30 minutes west 565 feet to an iron pipe, said iron pipe marking the northwest corner of the land herein conveyed; thence south 10 degrees 30 minutes west 192.744 feet to an iron pipe; thence south 4 degrees 30 minutes west 192.744 feet to an iron pipe marking the southwest corner of the land herein conveyed; thence north 85 degrees 30 minutes east 565 feet to an iron pin marking the southeast corner of the land herein conveyed; thence north 6 degrees 30 minutes east 192.744 feet to an iron pin marking the center line of the land herein conveyed; thence north 6 degrees 30 minutes east 192.744 feet to an iron pin marking the place of beginning and also marking the northeast corner of the land herein conveyed.

The above land is a part of the same area conveyed to Thelma Mengee, by deed of Arthur Hackett and Ina Hackett, his wife, dated March 12, 1945, and recorded July 10, 1945, in Tioga County Deed Book, Volume 238, at Page 476, as well as being the same land which was made the subject of a survey on May 5, 1953, by Joseph H. Knisley.

(4) All that lot of land situate in Shippen Township, Tioga County, Pennsylvania, bounded and described as follows:

Beginning at an iron pin located at the southeast corner of the lot of land conveyed by Growth Resources of Wellsboro Foundation, Inc., to Parvin Stryker by deed of even date and being the northwest corner of the lot herein described:

Thence along remaining lands of Parvin Stryker, south 83 degrees 58 minutes and 52 seconds East a distance of 584.29 feet to an iron pin located in the line of lands now or formerly of Donald Johnson marking the northeast corner of the lot herein described;

Thence along lands of Donald Johnson, South 05 degrees 53 minutes 11 seconds West a distance of 299.69 feet to a found Penndot monument marking the Southeast corner of the lot herein described.

Thence along lands now of the Grand Canyon State Airport, North 85 degrees, 24 minutes 10 seconds West a distance of 590.64 feet to an iron pin located in the eastern line of lands of Growth Resources of Wellsboro Foundation, Inc., marking the southwest corner of the lot herein described.

Thence along lands of Growth Resources of Wellsboro Foundation, Inc. North 07 degrees 01 minutes and 00 seconds East a distance of 314.39 feet to an iron pin, the point and place of beginning.

Containing 4.14 acres, more or less, and designated as Lot 2 on survey number A 74-93-418, dated December 17, 1993, prepared by Boyer Kantz, P.L.S. A copy of said survey was to be filed in the Registers Office in the year of 1994.

Being a part of the same lands conveyed by John F. Worthington and Martha C. Worthington, his wife, to Parvin R. Stryker, Jr. and Elizabeth A. Stryker, his wife, by deed dated October 17, 1977, and recorded October 18, 1977, in Tioga county Deed Book 380 at page 168.

(5) All that lot of land situate in Shippen Township, County of Tioga, and Commonwealth of Pennsylvania, granted and conveyed by Growth Resources Of Wellsboro, Inc., hereinafter called the grantor, to the Commonwealth of Pennsylvania, Department of Transportation, by deed dated June 8, 1994, recorded in the Recorder of Deeds Office, Deed Book 623 at Page 124, of Tioga County.

Being all or a portion of the same property conveyed or devised to the grantor by deed of Martha F. Kelly, dated November 21, 1991, and recorded in the Recorder of Deeds Office of Tioga County, Deed Book 552, Page 381, together with all improvements, hereditaments and appurtenances thereto.

(6) All that lot of land situate in Shippen Township, County of Tioga, and Commonwealth of Pennsylvania, granted and conveyed by Donald V. & Carol L. Johnson, hereinafter called the grantors, to the Commonwealth of Pennsylvania, Department of Transportation, by deed dated May 27, 1994, recorded in the Recorder of Deeds Office of Tioga County, Deed Book 622, Page 13.

Being all or a portion of the same property conveyed or devised to the grantors by deed of Enoch & Wyma Johnson, dated June 26, 1959, and recorded in the Recorder of Deeds Office of Tioga County, Deed Book 298,

Page 361, together with all improvements, hereditaments and appurtenances thereto.

(7) All that lot or parcel of land situate in Delmar Township, Tioga County, Pennsylvania, granted and conveyed by Richard C. and Ada Johnston, hereinafter called the grantors, to the Commonwealth of Pennsylvania, Department of Transportation, by deed dated June 30, 1994, recorded in the Recorder of Deeds Office of Tioga County, Deed Book 622, Page 5.

Being all or a portion of the same property conveyed or devised to the grantor by deed of Lyle W. Bockus, dated June 2, 1980¹, recorded in the Recorder of Deeds Office of Tioga County, Deed Book 399, Page 166, together with all improvements, hereditaments and appurtenances thereto.

(8) All that certain lot of land situate in Shippen Township, County of Tioga, and Commonwealth of Pennsylvania, granted and conveyed by Stanley F. & Marjorie A. Shabloski, hereinafter called the grantors, to the Commonwealth of Pennsylvania, Department of Transportation, by deed dated June 28, 1994, and recorded in the Recorder of Deeds Office of Tioga County, Deed Book 622, Page 21.

Being all or a portion of the same property conveyed or devised to the grantors by deed of Doris E. Darl, dated March 14, 1983, and recorded in the Recorder of Deeds Office of Tioga County, Deed Book 420, Page 329, together with all improvements, hereditaments and appurtenances thereto.

(9) All that lot or parcel of land situate in Delmar Township, County of Tioga, and Commonwealth of Pennsylvania, granted and conveyed by Mary E. Knowlton, Mary Kay Knowlton and Jack Spaulding, hereinafter called the grantors, to the Commonwealth of Pennsylvania, Department of Transportation, by deed dated May 6, 1994, and recorded in the Recorder of Deeds Office of Tioga County, Deed Book 622, Page 1.

Being all or a portion of the same property conveyed or devised to the grantors by deed of Mary E. Knowlton, widow, dated June 1, 1990, recorded in the Recorder of Deeds Office of Tioga County, Deed Book 519, Page 362, together with all improvements, hereditaments and appurtenances thereto.

(10) All that lot, piece and parcel of land situate and being in the Township of Shippen, County of Tioga, Pennsylvania, granted and conveyed by John W. and Grace Stagaman and Mary S. Walbridge, NKA Mary Shokey and Josephine Garris, NKA Josephine Zurowski, hereinafter called the grantors, to the Commonwealth of Pennsylvania, Department of Transportation, by deed dated May 25, 1994, and recorded in the Recorder of Deeds Office of Tioga County, Deed Book 622, Page 17.

Being all or a portion of the same property conveyed or devised to the grantors by deed of James Walbridge dated August 31, 1973, recorded in the Recorder of Deeds Office of Tioga County, Deed Book 378, Page 754, together with all improvements, hereditaments and appurtenances thereto.

¹"198" in enrolled bill.

(11) All that lot of land situate in the Township of Shippen, Tioga County, Pennsylvania, granted and conveyed by Donald V. & Carol L. Johnson, hereinafter called the grantors, to the Commonwealth of Pennsylvania, Department of Transportation, by deed dated May 27, 1994, and recorded in the Recorder of Deeds Office of Tioga County, Deed Book 622, Page 9.

Being all or a portion of the same property conveyed or devised to the grantors by deed of Walter B. Kennedy, dated April 5, 1967, and recorded in the Recorder of Deeds Office of Tioga County, Deed Book 327, Page 622, together with all improvements, hereditaments and appurtenances thereto.

(12) All that certain lot, tract or parcel of land situate in Shippen Township, Tioga County, Pennsylvania, bounded and described as follows:

Beginning at a point, said point being the Southwest corner of the lands herein described, said point being the point of intersection of an abandoned road traveling along the western edge of the lot herein described and an old road traveling along the southern boundary line of the land herein described, said point being further designated as being located South 07 degrees 01 minutes 00 seconds West, 2375.15 feet from that point where the western boundary line of other lands of Parvin R. Stryker, Jr., et ux and the eastern boundary line of lands now or formerly of Gary Kelly intersects with the centerline of Pa. T.R. 362; thence from said point of beginning North 07 degrees 01 minutes East a distance of 498.37 feet to a point, said point being the Northwest corner hereof and the southern boundary line of a 50 ft. Right-of-Way leading to the centerline of Pa. T.R. 362 and also being along the eastern boundary line of lands now or formerly of Gary Kelly; thence along the southern boundary line of the 50 ft. Right-of-Way leading to the centerline of T.R. 362, South 85 degrees 20 minutes 27 seconds East a distance of 26.17 feet to an iron rod, said point being the Northwest corner of lands now or formerly of the Commonwealth of Pennsylvania Grand Canyon State Airport; thence along the western boundary line of the Commonwealth of Pennsylvania Grand Canyon State Airport South 06 degrees 39 minutes 33 seconds West, a distance of 385.49 feet to an iron rod; thence along the southern boundary line of the Commonwealth of Pennsylvania Grand Canyon State Airport, south 85 degrees 20 minutes 27 seconds East, a distance of 565 feet to an iron rod, said point being the Northeast corner hereof and being in the western boundary line of lands now or formerly of the Commonwealth of Pennsylvania Grand Canyon State Airport; thence along the western boundary line of the Commonwealth of Pennsylvania Grand Canyon State Airport, South 6 degrees 39 minutes 33 seconds West a distance of 131.25 feet to a point in the old road, said point being the Southeast corner hereof; thence along the old road the following three (3) courses and distances: North 83 degrees 43 minutes 42 seconds West, 72.94 feet; North 82 degrees 55 minutes 11 seconds West, 232.71 feet and North 84 degrees 01 minutes 50 seconds West, 288.30 feet to the point and place of beginning.

Containing 1.891 acres, more or less in accordance with a survey by Bruce Mainus, under the direction of Boyer Kantz, R.S., dated May 31, 1979 and revised November 15, 1979, and approved by the Tioga County Planning commission on February 13, 1980. A copy of said survey map being filed in Tioga County Map File No. 6823.

Also granting and conveying unto the Grantees herein, their successors and assigns a Right-of-Way 50 ft. in width leading from Pa. T.R. 362 to the Northwest portion of the lands above described, the centerline of said Right-of-Way being bounded and described as follows:

Beginning at a point in the centerline of Pa. T.R. 362, said point being North 08 degrees 01 minutes 52 seconds East, 26.14 feet from that point where the western boundary line of lands of Parvin R. Stryker, Jr. et ux and the eastern boundary line of lands now or formerly of Gary Kelly intersects with the centerline of said road; thence North 07 degrees 01 minutes East a distance of 1386.02 feet to a point on the northern boundary of lands above described. Said Right-of-Way to be used for the purposes of ingress, egress and regress for the above described premises to Pa. T.R. 362. Said Right-of-Way to be used in common by the Grantors herein, their successors and assigns and by the Grantees herein, their successors and assigns. Said Right-of-Way being more specifically set forth on the above referred to survey map.

Being a portion of the same premises conveyed by John F. Worthington and Martha C. Worthington, his wife, to Parvin R. Stryker, Jr. and Elizabeth A. Stryker, his wife, by deed dated October 17th, 1977, and recorded in the Recorder of Deeds Office of Tioga County, Deed Book 380 at page 168.

(c) Easements.—The conveyance shall be made under and subject to all easements and rights of others, including, but not confined to, streets, roadways and rights of any telephone, telegraph, water, electric, sewer, gas or pipeline companies, and under and subject to any interests, estates or tenancies vested in third persons, whether or not appearing of record, with respect to any portion of the land or improvements erected thereon.

(d) Divestiture agreement.—This conveyance shall be in accordance with the provisions of the divestiture agreement signed by the Department of Transportation and the Grand Canyon Airport Authority on September 22, 2000.

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

Section 3. This act shall take effect immediately.

APPROVED—The 20th day of December, A.D. 2000.

THOMAS J. RIDGE