

No. 2002-68

AN ACT

SB 1192

Authorizing and directing the Department of General Services, with the approval of the Governor, to grant and convey to Pennsylvania American Water Company certain lands situate in East Vincent Township, Chester County.

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

Section 1. Conveyance in East Vincent Township, 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 and convey to Pennsylvania American Water Company certain lands situate on the grounds of the former Pennhurst Center described in subsection (b) for fair market value as determined by independent appraisal and a water utility easement on the grounds of the former Pennhurst Center described in subsection (c) in exchange for five no cost transferable taps to the grantee's water system for use by the grantor (Commonwealth of Pennsylvania), its successors and/or assigns.

(b) **Property description.**—The property to be conveyed pursuant to this section consists of approximately 4.4171 acres of land bounded and described according to a survey by Conner and Smith Engineering, Inc., dated September 27, 1996, Plan No. B-96-065, more particularly described as follows:

BEGINNING at a corner of this and remaining lands of the Commonwealth of Pennsylvania and being also in the Southerly line of lands recently conveyed by the Commonwealth of Pennsylvania to the Owen J. Roberts School District, the said corner being also the three (3) following courses and distances, measured along the said Southerly line of lands of Owen J. Roberts School District from the Westerly proposed right-of-way line of Pennhurst Road (proposed to be 50 feet wide):

(1) South 75 degrees 26 minutes 03 seconds West 25.84 feet to a corner;

(2) South 80 degrees 49 minutes 35 seconds West 89.60 feet to a corner; and

(3) South 83 degrees 59 minutes 34 seconds West 263.21 feet to the place of **BEGINNING**;

thence from the place of **BEGINNING**, along the said remaining lands of the Commonwealth of Pennsylvania, South 10 degrees 43 minutes 29 seconds East 391.56 feet to a corner in line of lands of Spring Hollow Golf Course, Inc.; thence along the same, North 89 degrees 47 minutes 40 seconds West 399.54 feet to a corner of lands of Pennsylvania American

Water Company and being the existing reservoir; thence along the same, the four (4) following courses and distances:

(1) North 05 degrees 15 minutes 00 seconds East 295.17 feet to a corner;

(2) North 84 degrees 45 minutes 00 seconds West 295.17 feet to a corner;

(3) South 05 degrees 15 minutes 00 seconds West 295.17 feet to an iron pin (found); and

(4) South 84 degrees 45 minutes 00 seconds East 295.17 feet to a corner, again of lands of Spring Hollow Golf Course, Inc.;

thence along the same, North 86 degrees 15 minutes 05 seconds West 457.67 feet to a concrete monument (found) and North 03 degrees 42 minutes 57 seconds East 332.28 feet to a corner of the aforementioned lands recently acquired by the Owen J. Roberts School District; thence along the same, the four (4) following courses and distances:

(1) South 84 degrees 45 minutes 00 seconds East 370.14 feet to a corner;

(2) North 80 degrees 27 minutes 00 seconds East 106.10 feet to a corner;

(3) North 80 degrees 35 minutes 53 seconds East 128.88 feet to a corner; and

(4) North 83 degrees 59 minutes 34 seconds East 162.35 feet to the BEGINNING.

CONTAINING 4.4171-acres, more or less.

TOGETHER WITH the right of ingress, egress, and regress and installation and maintenance of an electric service over a certain 25-foot wide access easement for the exclusive use of Pennsylvania American Water Company, or its successor in function, extending from the Easterly boundary of the herein-described tract in an Easterly direction to the Westerly side of Pennhurst Road (proposed to be 50 feet wide) and being more fully described as follows:

BEGINNING at a corner on the Westerly side of Pennhurst Road (proposed to be 50 feet wide) and being in line of lands recently acquired by the Owen J. Roberts School District; thence from the place of BEGINNING, along the proposed Westerly side of Pennhurst Road, South 11 degrees 05 minutes 52 seconds East 25.05 feet to a corner; thence through lands of the Commonwealth of Pennsylvania, the three (3) following courses and distances:

(1) South 75 degrees 26 minutes 03 seconds West 25.50 feet to a corner;

(2) South 80 degrees 49 minutes 35 seconds West 91.47 feet to a corner; and

(3) South 83 degrees 59 minutes 34 seconds West 261.83 feet to a corner in line of the above-described tract about to be acquired from the

Commonwealth of Pennsylvania by Pennsylvania American Water Company;

thence along the same, North 10 degrees 43 minutes 29 seconds West 25.09 feet to a corner in line of the aforementioned lands recently acquired by the Owen J. Roberts School District; thence along the same, the three (3) following courses and distances:

(1) North 83 degrees 59 minutes 34 seconds East 263.21 feet to a corner;

(2) North 80 degrees 49 minutes 35 seconds East 89.60 feet to a corner; and

(3) North 75 degrees 26 minutes 03 seconds East 25.84 feet to the place of BEGINNING.

(c) Water utility easement description.—The water utility easement to be conveyed pursuant to this section consists of approximately 3.3980 acres of land bounded and described according to a survey by Conver and Smith Engineering, Inc., dated July 16, 2001, Plan No. B-01-049, more particularly described as follows:

BEGINNING at a corner (B) in the line dividing lands of the Commonwealth of Pennsylvania and lands of Pennsylvania American Water Company, the said corner being also North 05 degrees 02 minutes 23 seconds East 391.29 feet, measured along the said line dividing lands of the Commonwealth of Pennsylvania and lands of Pennsylvania American Water Company from a corner (A) in the titleline of Brown Drive (private road, 50 feet wide); thence from the place of BEGINNING, along the said line dividing lands of the Commonwealth of Pennsylvania and lands of Pennsylvania American Water Company, North 05 degrees 02 minutes 23 seconds East 21.82 feet to a corner (C), a concrete monument (found), a corner of lands of Richard A. Heckman and being on the Northerly side of the herein-described 20-foot wide water line easement; thence along the Northerly side of the herein-described 20-foot wide water line easement and lands of Richard A. Heckman, South 61 degrees 22 minutes 37 seconds East 295.61 feet to a corner (D), a concrete monument (found); thence continuing along the Northerly side of the 20-foot wide water line easement, partly along lands of Richard A. Heckman, and partly along lands of the Commonwealth of Pennsylvania, South 64 degrees 52 minutes 37 seconds East 465.80 feet to a corner (E) in the bed of Brown Drive; thence still along the Northerly side of the herein-described 20-foot wide water line easement, through the bed of Brown Drive, the two (2) following courses and distances:

(1) North 80 degrees 00 minutes 28 seconds East 171.63 feet to a corner (F) near the intersection of Brown Drive, Commonwealth Drive, and Pennhurst Road; and

(2) Crossing the bed of Brown Drive, South 50 degrees 47 minutes 24 seconds East 61.01 feet to a corner (G);

thence continuing along the Northerly side of the herein-described 20-foot wide water line easement, the thirteen (13) following courses and distances, the first three of which are located just South of an existing wall on the Southerly side of Brown Drive with the remaining ten being through and along the cartway of Brown Drive:

- (1) North 39 degrees 12 minutes 36 seconds East 19.11 feet to a corner (H);
- (2) North 84 degrees 36 minutes 18 seconds East 515.52 feet to a corner (J);
- (3) North 86 degrees 47 minutes 39 seconds East 172.16 feet to a corner (K);
- (4) North 74 degrees 29 minutes 46 seconds East 137.78 feet to a corner (L);
- (5) North 82 degrees 44 minutes 34 seconds East 87.66 feet to a corner (M);
- (6) North 80 degrees 50 minutes 37 seconds East 108.25 feet to a corner (N);
- (7) South 88 degrees 58 minutes 06 seconds East 68.90 feet to a corner (P);
- (8) South 78 degrees 46 minutes 49 seconds East 220.67 feet to a corner (Q);
- (9) South 86 degrees 22 minutes 53 seconds East 348.05 feet to a corner (R);
- (10) South 89 degrees 30 minutes 51 seconds East 148.74 feet to a corner (S);
- (11) South 85 degrees 31 minutes 26 seconds East 172.64 feet to a corner (T);
- (12) North 82 degrees 12 minutes 17 seconds East 177.71 feet to a corner (U); and
- (13) North 87 degrees 41 minutes 51 seconds East 68.75 feet to a corner (V);

thence along the Easterly portion of the herein-described 20-foot wide water line easement which extends between Brown Drive and Dunlap Road, South 05 degrees 35 minutes 11 seconds West 542.04 feet to a corner (W); thence continuing along the Northerly side of the herein-described 20-foot wide water line easement, along, near, or North of the Northerly edge of the cartway of Dunlap Road, the nine (9) following courses and distances:

- (1) North 74 degrees 23 minutes 03 seconds East 74.40 feet to a corner (X);
- (2) North 75 degrees 39 minutes 03 seconds East 125.19 feet to a corner (Y);
- (3) North 78 degrees 35 minutes 34 seconds East 272.35 feet to a corner (Z);
- (4) North 85 degrees 38 minutes 51 seconds East 163.86 feet to a corner (AA);

(5) North 82 degrees 15 minutes 27 seconds East 175.13 feet to a corner (AB);

(6) North 79 degrees 45 minutes 26 seconds East 89.13 feet to a corner (AC);

(7) North 80 degrees 49 minutes 41 seconds East 328.62 to a corner (AD);

(8) North 81 degrees 35 minutes 51 seconds East 299.30 feet to a corner (AE); and

(9) crossing the bed of North Church Street, North 87 degrees 34 minutes 35 seconds East 197.79 feet to a corner (AF);

thence along the far Easterly terminus of the herein-described 20-foot wide water line easement, South 02 degrees 25 minutes 25 seconds East 20.00 feet to a corner (AG); thence along the Southerly side of the herein-described 20-foot water line easement, along, near, or South of the Southerly edge of the cartway of Dunlap Road, the nine (9) following courses and distances:

(1) recrossing the bed of North Church Street, South 87 degrees 34 minutes 35 seconds West 196.74 feet to a corner (AH);

(2) South 81 degrees 35 minutes 51 seconds West 298.12 feet to a corner (AJ);

(3) South 80 degrees 49 minutes 41 seconds West 328.29 feet to a corner (AK);

(4) South 79 degrees 45 minutes 26 seconds West 89.38 feet to a corner (AL);

(5) South 82 degrees 15 minutes 27 seconds West 176.16 feet to a corner (AM);

(6) South 85 degrees 38 minutes 51 seconds West 163.22 feet to a corner (AN);

(7) South 78 degrees 35 minutes 34 seconds West 270.60 feet to a corner (AP);

(8) South 75 degrees 39 minutes 03 seconds West 124.46 feet to a corner (AQ); and

(9) South 74 degrees 23 minutes 03 seconds West 103.39 feet to a corner (AR);

thence along the Westerly side of the herein-described 20-foot wide water line easement which extends between Dunlap Road and Brown Drive, North 05 degrees 35 minutes 11 seconds East 548.28 feet to a corner (AS); thence along the Southerly side of that portion of the herein-described 20-foot wide water line easement which extends along Brown Drive, the thirteen (13) following courses and distances:

(1) South 87 degrees 41 minutes 51 seconds West 44.83 feet to a corner (AT);

(2) South 82 degrees 12 minutes 17 seconds West 178.90 feet to a corner (AU);

(3) North 85 degrees 31 minutes 26 seconds West 174.10 feet to a corner (AV);

(4) North 89 degrees 30 minutes 51 seconds West 148.59 feet to a corner (AW);

(5) North 86 degrees 22 minutes 53 seconds West 349.93 feet to a corner (AX);

(6) North 78 degrees 46 minutes 49 seconds West 220.22 feet to a corner (AY);

(7) North 88 degrees 58 minutes 06 seconds West 65.33 feet to a corner (AZ);

(8) South 80 degrees 50 minutes 37 seconds West 106.80 feet to a corner (BA);

(9) South 82 degrees 44 minutes 34 seconds West 86.55 feet to a corner (BB);

(10) South 74 degrees 29 minutes 46 seconds West 138.49 feet to a corner (BC);

(11) South 86 degrees 47 minutes 39 seconds West 173.93 feet to a corner (BD);

(12) South 84 degrees 36 minutes 18 seconds West 506.77 feet to a corner (BE); and

(13) South 39 degrees 12 minutes 36 seconds West 29.54 feet to a corner (BF);

thence along the Easterly line of the herein-described 20-foot wide water line easement, extending approximately parallel to Pennhurst Road, the three (3) following courses and distances:

(1) South 10 degrees 25 minutes 29 seconds East 574.47 feet to a corner (BG);

(2) South 13 degrees 02 minutes 02 seconds East 253.32 feet to a corner (BH); and

(3) South 11 degrees 02 minutes 11 seconds East 149.17 feet to a corner (BJ) near the Northerly edge of the cartway of Dunlap Road;

thence along the Southerly portion of the herein-described 20-foot wide water line easement, the six (6) following courses and distances:

(1) crossing Pennhurst Road, South 75 degrees 29 minutes 43 seconds West 95.70 feet to a corner (BK);

(2) South 80 degrees 53 minutes 16 seconds West 91.09 feet to a corner (BL);

(3) South 84 degrees 03 minutes 15 seconds West 425.52 feet to a corner (BM);

(4) South 80 degrees 39 minutes 34 seconds West 128.26 feet to a corner (BN);

(5) South 80 degrees 30 minutes 41 seconds West 108.68 feet to a corner (BP); and

(6) North 84 degrees 41 minutes 19 seconds West 72.60 feet to a corner (BQ);

thence crossing the Westerly terminus of this portion of the herein-described 20-foot wide water line easement, North 05 degrees 18 minutes 41 seconds East 20.00 feet to a corner (BR) in line of lands of the Owen J. Roberts School District and being on the Northerly side of the herein-described 20-foot wide water line easement; thence along the said lands of Owen J. Roberts School District, along the Northerly side of the herein-described 20-foot wide water line easement, the five (5) following courses and distances:

- (1) South 84 degrees 41 minutes 19 seconds East 70.00 feet to a corner (BS);
- (2) North 80 degrees 30 minutes 41 seconds East 106.10 feet to a corner (BT);
- (3) North 80 degrees 39 minutes 34 seconds East 128.88 feet to a corner (BU);
- (4) North 84 degrees 03 minutes 15 seconds East 425.56 feet to a corner (BV); and
- (5) North 80 degrees 53 minutes 16 seconds East 89.60 feet to a corner (BW);

thence continuing along the Northerly side of the herein-described 20-foot wide water line easement, partly along the said lands of Owen J. Roberts School District, and also crossing Pennhurst Road, North 75 degrees 29 minutes 43 seconds East 75.93 feet to a corner (BX) near the Easterly side of Pennhurst Road; thence along the Westerly side of the herein-described 20-foot wide water line easement, extending partly along or near the Easterly side of Pennhurst Road, the four (4) following courses and distances:

- (1) North 11 degrees 02 minutes 11 seconds West 130.00 feet to a corner (BY);
- (2) North 13 degrees 02 minutes 02 seconds West 253.43 feet to a corner (BZ);
- (3) North 10 degrees 25 minutes 29 seconds West 584.17 feet to a corner (CA); and
- (4) North 39 degrees 12 minutes 36 seconds East 8.04 feet to a corner (CB);

thence again through Brown Drive, extending along the Southerly side of the herein-described 20-foot wide water line easement, the two (2) following courses and distances:

- (1) North 50 degrees 47 minutes 24 seconds West 51.85 feet to a corner (CC); and
- (2) South 80 degrees 00 minutes 28 seconds West 168.80 feet to a corner (CD);

thence leaving Brown Drive and extending through lands of the Commonwealth of Pennsylvania, along the Southerly side of the herein-described 20-foot wide water line easement, the two (2) following courses and distances:

(1) North 64 degrees 52 minutes 37 seconds West 472.74 feet to a corner (CE); and

(2) North 61 degrees 22 minutes 37 seconds West 287.49 feet to the place of BEGINNING.

CONTAINING 3.3980-acres of land, be the same more or less.

(d) 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.

(e) Deed of conveyance.—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.

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

(g) Alternate disposition.—In the event that this conveyance is not executed within 12 months of the effective date of this section, 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.

(h) Disposition of proceeds.—The proceeds from the sale shall be deposited in the Purchasing Fund of the Department of General Services to defer costs associated with the disposition of the former Pennhurst Center property, and any proceeds remaining after the deferral of such costs shall be deposited to the General Fund.

Section 2. Effective date.

This act shall take effect immediately.

APPROVED—The 25th day of June, A.D. 2002.

MARK S. SCHWEIKER