

No. 2002-139

AN ACT

SB 1459

Authorizing and directing the Department of General Services, with the approval of the Governor, to grant and convey to the Student Association, Inc., a certain tract of land situate in the Borough of California, Washington County, in exchange for a certain tract of land; authorizing and directing the Department of General Services, with the approval of the Department of Environmental Protection and the Governor, to grant and convey to Moosic Realty Company certain lands situate in the Borough of Moosic, County of Lackawanna; and authorizing the Department of General Services, with the approval of the Department of Corrections and the Governor, to grant and convey to the County of Westmoreland a tract of land situate in Hempfield Township, Westmoreland County.

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

Section 1. California University of Pennsylvania.

(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 the Student Association, Inc., certain lands described in subsection (b).

(b) **Description.**—The property to be conveyed pursuant to subsection (a) consists of all that certain piece or parcel of land situate on the campus of California University of Pennsylvania of the State System of Higher Education in the Borough of California, Washington County, Pennsylvania, bounded and described as follows:

BEGINNING at an iron pin at the easterly side of Highland Drive common to the northeastern most line of lands now or formerly of the Commonwealth of Pennsylvania, as recorded in Deed Book Volume 997, Page 73; thence from said point of beginning by said line of the Commonwealth of Pennsylvania South 62 degrees 32 minutes East a distance of 720.0 feet to a point; thence by the line dividing lands now or formerly of the Student Association, Inc., and lands of said Commonwealth of Pennsylvania South 36 degrees 16 minutes West a distance of 499.9 feet to a point; thence through lands of said Commonwealth of Pennsylvania, outside of and excluding the stadium fence and scoreboard, the following four courses and distances: (1) by a curve bearing to the left having a radius of 2224.0 feet through an arc distance of 170.8 feet to a point of tangency; (2) by a curve bearing to the left having a radius of 453.0 feet through an arc distance of 168.6 feet to a point of tangency; (3) by a curve bearing to the left having a radius of 173.0 feet through an arc distance of 211.7 feet to a point of tangency; (4) South 36 degrees 12 minutes West a distance of 56.8 feet to a point; thence through same and excluding the stadium scoreboard North 61 degrees 22 minutes West a distance of 176.3 feet to a

point; thence by a line through said Highland Drive North 28 degrees 38 minutes East a distance of 655.0 feet to the point of BEGINNING.

Containing an area of 8.25 acres.

(c) Exchanged property.—The conveyance described in subsection (b) shall be in exchange for the conveyance, by special warranty deed, from the Student Association, Inc., to the Commonwealth of Pennsylvania, acting by and through its Department of General Services on behalf of the State System of Higher Education, of all that certain piece or parcel of land situate in the Borough of California, Washington County, Pennsylvania, bounded and described as follows:

BEGINNING at a point on the northwesterly right of way line of State Highway Route 88, said point being the following six courses and distances from a point common to the said right of way line and the northeastern most line of lands now or formerly of the Student Association, Inc., formerly the Student Activities Association, as recorded in Deed Book Volume 634, Page 470: (1) by a curve bearing to the right having a radius of 2292.01 feet through an arc distance of 228.12 feet to a point of tangency; (2) South 36 degrees 16 minutes West a distance of 410.0 feet to a point; (3) North 53 degrees 44 minutes West a distance of 10.0 feet to a point; (4) South 36 degrees 16 minutes West a distance of 280.0 feet to a point; (5) South 53 degrees 44 minutes East a distance of 10.0 feet to a point; (6) South 36 degrees 16 minutes West a distance of 50.0 feet to a point being the true point of beginning; thence from said point of beginning and continuing by said right of way line South 36 degrees 16 minutes West a distance of 881.0 feet to a point; thence through lands of said Student Association, Inc., North 53 degrees 59 minutes West a distance of 379.9 feet to a point; thence through same by a curve bearing to the left having a radius of 2544.8 feet having a chord bearing of North 32 degrees 06 minutes West through an arc distance of 262.5 feet to a point; thence by a line dividing lands now or formerly of the Commonwealth of Pennsylvania and lands of said Student Association, Inc., South 53 degrees 44 minutes East a distance of 314.12 feet to a point; thence by same North 36 degrees 16 minutes East a distance of 1201.0 feet to a point; thence through lands of said Student Association, Inc., outside of and including the stadium fence, by a curve bearing to the right having a radius of 2224.0 feet through an arc distance of 43.6 feet to a point of tangency; thence through and by same by a curve bearing to the right having a radius of 138.0 feet through an arc distance of 199.5 feet to a point of tangency; thence again through and by same South 36 degrees 02 minutes West a distance of 224.5 feet to a point; thence continuing through lands of said Student Association, Inc., outside of and excluding an entrance road South 53 degrees 59 minutes East a distance of 90.0 feet to a point; thence through and by same by a curve bearing to the right having a radius of 50.0 feet through an arc distance of 78.5 feet to the point of BEGINNING.

Containing an area of 8.25 acres.

(d) Easements.—The conveyance described in subsection (b) 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.—The deed of conveyance described in subsection (b) shall be a special warranty deed and shall be executed by the Secretary of General Services in the name of the Commonwealth of Pennsylvania.

(f) Fees and costs.—Each party shall bear its own fees and costs incidental to these conveyances.

Section 2. Moosic Realty Company.

(a) Authorization.—The Department of General Services, with the approval of the Department of Environmental Protection and the Governor, is hereby authorized and directed on behalf of the Commonwealth of Pennsylvania to grant and convey to Moosic Realty Company 14,360 square feet (0.33 acres) of land, more or less, as described in section 2 for fair market value as determined by independent appraisal.

(b) Description.—The property to be conveyed pursuant to subsection (a) consists of ALL THAT CERTAIN tract or lot of land situate in the Borough of Moosic, County of Lackawanna, and Commonwealth of Pennsylvania, bounded and described in accordance with a survey thereof made by, Terrence McAllister, P.L.S., on June 14, 2001, as follows, to wit:

BEGINNING at an iron pin corner marking the northwesterly corner of the lands of Melio LoPrete et al and other lands of Moosic Realty Company, said iron pin corner also being distant one hundred fifty-eight and fifty-four hundredths (158.54) feet on a bearing of North forty-two degrees fifty-seven minutes zero seconds East from the intersection of the centerline of Brook Street extended to the easterly right of way line of Elm Street; thence North forty-two degrees fifty-seven minutes zero seconds East a distance of forty-three and sixty-three hundredths (43.63) feet to a point on the face of the concrete Moosic Flood Control Project dike structure; thence along said structure on a curve to the left with a radius of six hundred eighty-one and zero hundredths (681.00) feet an Arc length of ten and seventy-one hundredths (10.71) feet with a Chord bearing of South twenty-nine degrees forty-one minutes and forty-seven seconds East a distance of ten and seventy-one hundredths (10.71) feet to a point of a compound curve at centerline station 189+50.64; thence along said structure on a curve to the left with a Radius of three hundred fifty-one and zero hundredths (351.00) feet an Arc length of one hundred twenty and ninety hundredths (120.90) feet with a Chord bearing Of South forty degrees twenty-six minutes eighteen seconds a chord distance of one hundred twenty and thirty-one hundredths (120.31) feet to a point of a compound curve at centerline station 188+37.53; thence along said structure on a curve to the left with a

Radius of six hundred eighty-one and zero hundredths (681.00) feet an Arc length of seventy-five and forty-seven hundredths (75.47) feet with a chord bearing of south fifty-three degrees twenty-eight minutes twenty-three seconds East a chord distance of seventy-five and forty-four hundredths (75.44) feet to a point of curve at station 187+64.38; thence continuing along said structure south fifty-six degrees thirty-nine minutes twenty-three seconds East a distance of two hundred fifty-seven and fifty-one hundredths (257.51) feet to a point of tangency at station 185+06.47; thence continuing along said structure on a curve to the right with a Radius of eight hundred fifty-nine and zero hundredths (859.00) feet an Arc length of fifty-eight and ninety-seven hundredths (58.97) feet with a Chord bearing of south fifty-four degrees forty-one minutes twenty three seconds East a chord distance of fifty-eight and ninety-six hundredths (58.96) feet to a point on a compound curve at station 184+46.06; thence along said structure on a curve to the right with a Radius of four hundred nineteen (419.00) feet an Arc length of eighty-six and twenty-five hundredths (86.25) feet with a Chord bearing South forty-six degrees forty-nine minutes thirty-three seconds East a chord distance of eighty-six and ten hundredths (86.10) feet to a point on the curve; thence leaving the face of the concrete structure North eighty-four degrees fifty four minutes zero seconds West a distance of sixty-two and ten hundredths (62.10) feet to a point on the easterly right-of-way line of Elm Street and a perpendicular distance of twenty-nine and seventy-eight (29.78) feet from said structure; thence North thirty-eight degrees twenty-three minutes fifty-nine seconds West a distance of eighty-six and forty-five hundredths (86.45) to a point measured on a perpendicular distance of nineteen and zero hundredths (19.00) feet to said structure; thence North seventy-six degrees thirty minutes fifty-one seconds West a distance of seventy-nine and forty-one hundredths (79.41) feet to a point measured a perpendicular distance of forty-six and zero hundredths (46.00) feet from said structure; thence North thirty-eight degrees two minutes twenty-seven seconds West a distance of one hundred and twenty-four hundredths (100.24) feet to a point measured a perpendicular distance of fourteen and zero hundredths (14.00) feet from said structure; thence North fifty-seven degrees fifty-one minutes fifty-five seconds West a distance of ninety-four and eighty hundredths (94.80) feet to a point measured a perpendicular distance of sixteen and zero hundredths (16.00) feet from said structure; thence North fifty-eight degrees forty-eight minutes eighteen seconds West a distance of one hundred forty-five and fifty-three hundredths (145.53) feet to a point measured a perpendicular distance of thirty-nine and zero hundredths (39.00) feet from said structure; thence North thirty-seven degrees fifty-seven minutes nineteen seconds West a distance of forty-seven and ninety-nine hundredth (47.99) feet to a point measured a perpendicular distance of thirty-nine and eighty-seven (39.87) feet from said structure; thence North thirty-seven degrees fifty-seven minutes nineteen seconds

West a distance of seventeen and seventy-two hundredths (17.72) to a point and place of beginning.

CONTAINING 14,360 square feet (0.33 acres) of land, more or less.

EXCEPTING AND RESERVING to the Commonwealth of Pennsylvania, its agencies or designees, the area encompassing a twelve (12) foot wide earthen berm which runs adjacent to, and parallel with, the existing concrete flood control structure.

(c) Permanent easement.—The conveyance shall be made under and subject to Moosic Realty Company granting and conveying to the Commonwealth of Pennsylvania a permanent easement right-of-way through lands of Moosic Realty Company situate in the Borough of Moosic, County of Lackawanna and Commonwealth of Pennsylvania, bounded and described in accordance with a survey thereof made by Terrence McAllister, P.L.S., as is hereinafter described:

BEGINNING at a iron pin set at the intersection of the southeasterly line of lands of Moosic Realty Company and the northerly right of way line of Elm Street, thence North thirty-eight degrees twenty-three minutes fifty-nine seconds West a distance of twenty-eight and ninety-four feet to a corner; thence South Five degrees Six minutes zero seconds West a distance of twenty and ninety-one hundredths (20.91) feet to a point on the northerly right of way line of Elm Street; thence along the northerly right of way line of Elm Street South eight-four degrees fifty-four minutes zero seconds East a distance of twenty and zero hundredths (20.00) feet to a point on the northerly right-of-way line of Elm Street, the place of beginning.

(d) Easements and restrictions.—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.—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) Disposal.—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 2405-A of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929.

Section 3. Westmoreland County.

(a) Authorization.—The Department of General Services, with the approval of the Department of Corrections and the Governor, is hereby authorized on behalf of the Commonwealth of Pennsylvania to grant and convey to the County of Westmoreland 4.5662 acres of land described in

subsection (b). Fair consideration for the property shall be an exchange for adjacent County of Westmoreland property that is of equal value as determined by an independent appraisal. The exchange shall be in accordance with an agreement of sale.

(b) Description.—The property to be conveyed pursuant to subsection (a) consists of all that certain parcel of land situated in Hempfield Township, Westmoreland County, Pennsylvania, bounded and described as follows:

All that certain parcel of land situate in Hempfield Township, County of Westmoreland and Commonwealth of Pennsylvania, being more particularly bounded and described as follows, to wit:

BEGINNING at a point in the middle of Route 119 (SR 119) on the common line property owned by N/F Westmoreland County Housing Authority and N/F General State Authority (Regional 5 Prison) thence following said dividing line N 22 degrees 06'28"W a distance of 198.69' to a point being the true place of beginning; thence 59 degrees 23'32"W a distance of 548.63' to a point; thence N 19 degrees 37'28"W a distance of 502.15' to a point; thence N 59 degrees 23'32"E a distance of 233.40' to a point on line of lands N/F Westmoreland County; thence along lands N/F Westmoreland County S 22 degrees 06'28"E a distance of 90.46' to an iron pin; thence along same S 67 degrees 06'28"E a distance of 226.27' to an iron pin; thence along same N67 degrees 53'32"E a distance of 130.00' to an iron pin on the common property line of lands N/F Westmoreland County and N/F Westmoreland County Housing Authority; thence S 22 degrees 06'28"E a distance of 204.68' to a point being the place of beginning.

Containing an area of 4.5662 acres.

(c) Easements.—The conveyance authorized by this section 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 telephone, telegraph, cable, water, electric, sewer, gas or pipeline companies, as well as under and subject to any lawful and enforceable interest, 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 ensure an exchange of adjacent County of Westmoreland property being of equal value as the 4.5662 acres described in subsection (b) and consistent with an agreement of sale. The deed of conveyance authorized by this section 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.

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

Section 4. Effective date.

This act shall take effect immediately.

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

MARK S. SCHWEIKER