

## No. 2002-191

## AN ACT

## HB 2898

Authorizing the Department of General Services, with the approval of the Governor and the Department of Corrections, to grant and convey a 50-year easement of certain lands situate in Canaan Township, Wayne County, to Waymart Wind Farm L.P.

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

Section 1. The Department of General Services, with the approval of the Governor and the Department of Corrections, is hereby authorized on behalf of the Commonwealth of Pennsylvania to grant and convey to Waymart Wind Farm L.P., 405 14th Street, Suite 712, Oakland, California 94612, for an annual consideration of \$400, a 50-year easement for an electric transmission line on a parcel of land situate in Canaan Township, Wayne County, on the grounds of the State Correctional Institution at Waymart, south of State Route 0006 as described in section 2, all in accordance with a proposed easement agreement with the Department of General Services.

Section 2. The property to be conveyed pursuant to section 1 consists of approximately 1.9482 acres of land bounded and described according to a metes and bounds description prepared by Alfred K. Bucconear, Registered Professional Land Surveyor, more particularly described as follows:

ALL that certain piece, parcel or tract of land lying, situate and being in the Township of Canaan, County of Wayne and Commonwealth of Pennsylvania, bounded and described as follows, to wit:

BEGINNING at a point, located in the center of the right of way of U.S. Traffic Route 6/State Route 0006/Roosevelt Highway, said point being further distinguished as being located, the following curvilinear course and distance (measured along the center of the aforesaid right of way), namely, along the arc of a curve to the left, in a southeasterly direction, having a central angle of 03 degrees 38 minutes 13 seconds, with the radius of 1432.690 feet, a distance or arc length of 90.937 feet, from the southeasterly corner of a certain lot, containing 2.7580 acres of land, excepted and reserved, to the Commonwealth of Pennsylvania, in a certain proposed DEED/INDENTURE of conveyance to Pennsylvania/Philadelphia Suburban Water Company;

thence, along the center of the right of way of the aforesaid U.S. Traffic Route 6, the following two curvilinear courses and distances; along the arc of a curve to the left, in a southeasterly direction, having a central angle of 00 degrees 39 minutes 26 seconds, with a radius of 1432.690 feet, a distance or arc length of 16.437 feet to a point, being the center of the subject easement herein, and

thence, continuing along the arc of a curve to the left, in a southeasterly direction, having a central angle of 00 degrees 39 minutes 15 seconds, with a radius of 1432.690 feet, a distance or arc length of 16.354 feet to a point,

thence, departing from the aforesaid U.S. Traffic Route 6 and through lands of the Commonwealth of Pennsylvania, South 11 degrees 11 minutes 06 seconds East (crossing a certain drainage and, also, crossing a certain private access roadway) 746.076 feet to a point;

thence, continuing through lands of the aforesaid Commonwealth of Pennsylvania, South 36 degrees 49 minutes 49 seconds West (crossing a certain public highway, designated as PA L.R.63086/State Route 3030/Carbondale Road) 2243.806 feet to a point, located on common bounds of lands of Catherine Ann Harding et vir, et al (Record Book 537, Page 280), said point being further distinguished as being located, North 31 degrees 16 minutes 31 seconds East (measured along common bounds of lands of the aforesaid Harding et al) 3058.541 feet, from a spike set at the base of a wood stake found in stones corner, being the southeasterly corner of land of the aforesaid Harding et al;

thence, along common bounds of lands of the aforesaid Harding et al, North 31 degrees 16 minutes 31 seconds East 154.953 feet to a point, being the center of the subject easement herein; thence, continuing along common bounds of lands of the aforesaid Harding et al, North 31 degrees 16 minutes 31 seconds East 154.953 feet to a point;

thence, through lands of the aforesaid Commonwealth of Pennsylvania, North 36 degrees 49 minutes 49 seconds East (crossing the aforesaid PA L.R.63086) 1921.995 feet to a point;

thence, continuing through lands of the aforesaid Commonwealth of Pennsylvania, North 11 degrees 11 minutes 06 seconds West (crossing the aforesaid private access roadway and drainage) 745.951 feet to the place of BEGINNING.

**CONTAINING, within bounds, 1.9482 acres of land.**

**Section 3.** The easement 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, sewer, gas or pipeline companies, as well as under and subject to any lawful interest, enforceable 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.** The easement 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.

**Section 5.** The proceeds of this 50-year easement shall be paid into the General Fund.

**Section 6.** Costs and fees incidental to this conveyance shall be borne by the grantee.

Section 7. This act shall take effect immediately.

APPROVED—The 9th day of December, A.D. 2002.

**MARK S. SCHWEIKER**