

No. 2002-195

AN ACT

HB 2963

Authorizing and directing the Department of General Services, with the approval of the Governor and the Department of Military and Veterans Affairs, to grant and convey certain lands situate in Latrobe Borough, Westmoreland County, to the Borough of Latrobe; authorizing and directing the Department of General Services, with the approval of the Governor and the Department of Military and Veterans Affairs, to grant and convey, at a price determined through competitive bidding, certain lands situate in Scottdale Borough, Westmoreland County; authorizing and directing the Department of General Services, with the approval of the Governor and the Department of Military and Veterans Affairs, to grant and convey certain lands situate in Blairsville Borough, Indiana County, to the Borough of Blairsville; authorizing and directing the Department of General Services, with the approval of the Governor and the Department of Military and Veterans Affairs, to grant and convey certain lands situate in Kutztown Borough, Berks County, to the Borough of Kutztown; and authorizing the Department of General Services, with the approval of the Governor and the Department of Military and Veterans Affairs, to grant and convey a certain tract of land situate in the Borough of Media, Delaware County, to the Borough of Media; authorizing the Department of General Services, with the approval of the Governor and the Department of Conservation and Natural Resources, to grant and convey an access road right-of-way over certain State land to Sanford J. and Doris M. Henry, Paul L. and Deborah K. Baker, Michael R. and Jeanne M. Henry, Lynn A. and Kimberly R. Henry, Leland W. Henry, Sr., and Leland W. Henry, Jr., all of Middlecreek Township, Somerset County, Pennsylvania, and their heirs and assigns; authorizing the release of Project 70 restrictions on certain land owned by the Lehighon Water Authority, Township of Penn Forest, Carbon County, to provide access right-of-way to John A. Wargo et al., "Apollo Associates"; and making a repeal.

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

Section 1. Latrobe Borough, Westmoreland County.

(a) **Authorization.**—The Department of General Services, with the approval of the Governor and the Department of Military and Veterans Affairs, is hereby authorized and directed on behalf of the Commonwealth of Pennsylvania to grant and convey to the Borough of Latrobe, for fair market value as determined by independent appraisal, the National Guard Armory situate in Latrobe Borough, Westmoreland County, Pennsylvania, described in subsection (b).

(b) **Description.**—The property to be conveyed pursuant to subsection (a) consists of approximately 0.32 acres and an armory building bounded and more particularly described as follows:

Tract 1

BEING Lot No. 8 in Block 9 of the Brinker Plan of Lots as recorded in Westmoreland County Deed Book 82, Page 225.

Said lot having a frontage of fifty (50) feet on the Northerly side of Spring Street, and extending back, of even width, between Lot No. 7 on the

East and Lot No. 9 on the West, a distance of one hundred thirty-eight and eighty-six hundredths (138.86) feet to an alley.

BEING the same land conveyed to the Commonwealth of Pennsylvania by deed of Effie B. Whiteman, Thomas M. Whiteman, Rachel L. Whiteman, and Harry J. Whiteman, dated November 24, 1922, and recorded in the Office of Recorder of Deeds in and for Westmoreland County, Pennsylvania, in Deed Book 720, Page 130.

Tract 2

BEING Lot No. 7 in Block 9 of the Brinker Plan of Lots in said Borough of Latrobe as recorded in Westmoreland County Deed Book 82, Page 225.

Having a frontage of fifty (50) feet on the Northerly side of Spring Street, and extending back of even width, between Ridge Avenue on the East and Lot No. 7 in said block on the West, a distance of one hundred thirty-eight and eighty-six hundredths (138.86) feet to an alley.

AND BEING the same land conveyed to the Commonwealth of Pennsylvania by deed of James B. Weaver and Fannie F. Weaver, dated November 24, 1922, and recorded in the Office of Recorder of Deeds in and for Westmoreland County, Pennsylvania, in Deed Book 720, Page 131.

(c) Proceeds.—The proceeds from the sale of the land and armory shall be deposited in the State Treasury Armory Fund.

(d) Easements.—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) Execution.—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) Alternate disposition.—In the event the conveyance is not executed within three months of the effective date of this act, the Department of General Services may dispose of the property in accordance with section 2406-A of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929.

Section 2. Scottdale Borough, Westmoreland County.

(a) Authorization.—The Department of General Services, with the approval of the Governor and the Department of Military and Veterans Affairs, is hereby authorized and directed on behalf of the Commonwealth of Pennsylvania to grant and convey, at a price to be determined through competitive bidding, the following tract of land together with any buildings, structures or improvements thereon, situate in Scottdale Borough, Westmoreland County, Pennsylvania.

(b) Description.—The property to be conveyed pursuant to subsection (a) consists of approximately 0.719 acres and an armory building bounded and more particularly described as follows:

BEGINNING at a point on the Northeasterly corner of the intersection of Edwin Avenue and Everson Street; thence along Everson Street North 23 degrees 35 minutes East 177.03 feet to a point, at the intersection of Everson Street and Park Street; thence along Park Street South 50 degrees 37 minutes East 193.05 feet to a point at the intersection of Park Street and North Broadway; thence along North Broadway South 4 degrees 58 minutes West 136.76 feet to a point at the intersection of North Broadway and Edwin Avenue; thence along Edwin Avenue North 65 degrees 08 minutes West 229.49 feet to the place of BEGINNING.

CONTAINING 0.719-acres, more or less.

(c) Proceeds.—The proceeds from the sale of the land and armory shall be deposited in the State Treasury Armory Fund.

(d) Easements.—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) Execution.—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.

Section 3. Blairsville Borough, Indiana County.

(a) Authorization.—The Department of General Services, with the approval of the Governor and the Department of Military and Veterans Affairs, is hereby authorized and directed on behalf of the Commonwealth of Pennsylvania to grant and convey to the Borough of Blairsville, for fair market value as determined by independent appraisal, the Blairsville Armory situate in Blairsville Borough, Indiana County, Pennsylvania, described in subsection (b).

(b) Description.—The property to be conveyed pursuant to subsection (a) consists of approximately 10,370 square feet and an armory building bounded and more particularly described as follows:

Tract 1

BEING a certain lot or piece of ground together with the two (2) story building situate in the Borough of Blairsville, County of Indiana and State of Pennsylvania, bounded and described as follows, to wit:

BEGINNING on the westerly side of Walnut Street at a point distant seventy (70) feet northwardly from the north west corner of Walnut and Campbell streets, said point of beginning being on the dividing line of property now or late of Mrs. Sarah E. Lyda and premises herein described: thence northwardly along the westerly side of said Walnut Street eighty-six

and five tenths (86.5) feet more or less to the southerly line of North Alley; thence extending westwardly along the southerly line of North Alley one hundred twenty two (122) feet more or less to the line of property now or late of St. Peter's Episcopal Church; thence southwardly along the line of said church property a distance of eighty five and four tenths (85.4) feet more or less to the line of land now or late of Mrs. Sarah E. Lyda; thence eastwardly by line of said property now or late of Mrs. Sarah E. Lyda one hundred twenty one and one tenth (121.1) feet more or less to the westerly line of Walnut street aforesaid, the place of beginning.

BEING the same land conveyed to the Commonwealth of Pennsylvania by deed of Samuel W. Miller and Wilma F.G. Miller, dated March 25th, 1909 and recorded in the Recorder's Office of Indiana County, Pennsylvania, May 5th, 1909.

(c) Proceeds.—The proceeds from the sale of the land and armory shall be deposited in the State Treasury Armory Fund.

(d) Easement.—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) Execution.—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) Alternate disposition.—In the event the conveyance is not executed within six months of the effective date of this act, the Department of General Services may dispose of the property in accordance with section 2406-A of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929.

Section 4. Kutztown Borough, Berks County.

(a) Authorization.—The Department of General Services, with the approval of the Governor and the Department of Military and Veterans Affairs, is hereby authorized and directed on behalf of the Commonwealth of Pennsylvania to grant and convey to the Borough of Kutztown, for fair consideration as determined by independent appraisal, the Apple Alley Garage situate in Kutztown Borough, Berks County, Pennsylvania, described in subsection (b).

(b) Description.—The property to be conveyed pursuant to subsection (a) consists of approximately 1 acre seven and fourteen one hundredths (7.14) perches and a maintenance building bounded and more particularly described as follows:

Tract 1

BEING a certain lot or piece of ground together with the one (1) story frame garage erected thereon, situate on the western side of Pennsylvania

Avenue between Normal Avenue and Sander Alley, in the Borough of Kutztown, County of Berks and State of Pennsylvania, bounded on the north by property belonging to the Estate of David Adam, deceased, on the east by residue portion of Pennsylvania Avenue (unopened), on the south by property belonging to George T. Deibert, and on the west by a twenty (20) feet wide alley known as Apple Alley, and being more fully bounded and described as follows, to wit:

BEGINNING at a corner marked by an iron pin in Pennsylvania Avenue, a distance of one hundred sixty feet (160') northwardly from the northern topographical building line of Normal Avenue, thence leaving the aforesaid Pennsylvania Avenue, passing through a marble stone on the western topographical building line of same, thirty two feet one eighth inch (32' 0-1/8") from the last described corner and making an interior angle of ninety degrees eight minutes (90 degrees 08') with the aforesaid Pennsylvania Avenue, a distance of one hundred ninety two feet (192') to a corner marked by a marble stone on the eastern side of a twenty (20) feet wide alley known as Apple Alley; thence in a northerly direction location same, making an interior angle of eighty nine degrees fifty two minutes (89 degrees 52') with the last described line, a distance of two hundred thirty seven feet (237') to a corner marked by a marble stone; thence leaving and making an interior angle of ninety degrees eight minutes (90 degrees 08') with aforesaid Apple Alley and in an easterly direction along property belonging to the Estate of David Adam, deceased, passing through a marble stone on the western topographical building line of the aforesaid Pennsylvania Avenue, thirty two feet one eighth inch (32' 0-1/8th") from the next described corner, a distance of one hundred ninety two feet (192') to a corner marked by an iron pin in the aforesaid Pennsylvania Avenue; thence in and along same in a southerly direction, making an interior angle of eighty nine degrees fifty two minutes (89 degrees 52') with the last described line, a distance of two hundred thirty seven feet (237') to the place of Beginning. **CONTAINING** one (1) acre seven and fourteen one hundredths (7.14) perches.

BEING the same premises which Percy H. Keodinger, Singleman, by his deed dated September 13, 1948, and about to be recorded in the office of the Recorder of Deeds of Berks County, Pennsylvania, granted and conveyed unto Borough of Kutztown, party hereto, and **BEING DELINEATED** on blue print attached to this deed and made a part hereof.

(c) **Proceeds.**—The proceeds from the sale of the land and armory shall be deposited in the State Treasury Armory Fund.

(d) **Easements.**—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) Execution.—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) Alternate disposition.—In the event the conveyance is not executed within three months of the effective date of this act, the Department of General Services may dispose of the property in accordance with section 2406-A of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929.

Section 5. Media Borough, Delaware County.

(a) Authorization.—The Department of General Services, with the approval of the Governor and the Department of Military and Veterans Affairs, is hereby authorized on behalf of the Commonwealth of Pennsylvania to grant and convey to the Borough of Media certain land and improvements thereon known as the National Guard Armory described in subsection (b) for fair consideration as determined by independent appraisal.

(b) Description.—The property to be conveyed is a tract of land together with improvements thereon situate in the Borough of Media, Delaware County, Pennsylvania, bounded and described as follows:

All that certain tract of land situate on the Southwestern corner of State and Church Streets, containing in front or breadth on the said State Street, one hundred (100) feet and extending of that width in length or depth Southwardly one hundred and fifty (150) feet to the Northerly side of Baker Street (thirty feet wide) together with the right and use of said Baker Street in common with the owners of the other land abutting thereon.

This property being identified as Tax Map No. 26-04-560.00

Being the same property that James A. McDowell Et. Al. as trustees of the First Methodist Episcopal Church of Media, by their deed dated November 7, 1907, and recorded in the Delaware County Recorder of Deeds Office in Deed Book S-12, Page 31, granted and conveyed unto the Commonwealth of Pennsylvania.

(c) Easements.—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.

(d) Execution.—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.

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

(f) Proceeds.—The proceeds from the sale shall be deposited in the State Treasury Armory Fund.

(g) Alternate disposition.—In the event the conveyance is not executed within six months of the effective date of this act, the Department of General Services may dispose of the property in accordance with section 2406-A of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929.

Section 6. Middlecreek Township, Somerset County.

(a) Authorization and description.—The Department of General Services, with the approval of the Governor and the Department of Conservation and Natural Resources, is hereby authorized and directed on behalf of the Commonwealth of Pennsylvania to grant and convey to Sanford J. and Doris M. Henry (Tax Parcel No. 27-0-002970 and Tax Parcel No. 27-0-002960), Paul L. and Deborah K. Baker (Tax Parcel No. 27-0-012850), Michael R. and Jeanne M. Henry (Tax Parcel No. 27-0-016690), Lynn A. and Kimberly R. Henry (Tax Parcel No. 27-0-019820), Leland W. Henry, Sr. (Tax Parcel No. 27-0-002940) and Leland W. Henry, Jr. (Tax Parcel No. 27-0-0-002830), all of Middlecreek Township, Somerset County, their heirs and assigns, for a consideration of \$1, an access road right-of-way having a width of thirty-three (33') feet across a parcel of the Laurel Hill State Park in Middlecreek Township, Somerset County, the center line of said access road describing also the center line of an existing gravel road and being more particularly bounded and described as follows:

Beginning at a point on the western side of SR 3029 at the junction of an existing gravel road, said point of beginning being located approximately 3,375 feet south from the intersection of SR 3029 and Jones Mill Road, thence from said point of beginning and by the centerline of said existing gravel road and thirty-three (33') foot wide right of way the following three (3) courses: North 77 degrees 40 minutes 10 seconds East for a distance of 208.76 feet to a point, thence North 81 degrees 34 minutes 43 seconds East for a distance of 220.46 feet to a point, and thence North 75 degrees 28 minutes 03 seconds East for a distance of 109.88 feet to a point on the common boundary of said lands of Laurel Hill State Park and lands now or formerly of Leland W. Henry et. ux.

(b) Easement.—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.

(c) Proceeds.—The proceeds of the sale shall be paid into the General Fund.

(d) Deed.—The deed of easement or right-of-way 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) Costs.—Costs and fees incidental to this conveyance shall be borne by the grantee.

Section 7. Penn Forest Township, Carbon County.

(a) Authorization.—Pursuant to the requirements of section 20(b) of the act of June 22, 1964 (Sp.Sess., P.L.131, No.8), known as the Project 70 Land Acquisition and Borrowing Act, the General Assembly hereby authorizes the release of Project 70 restrictions on a portion of lands owned by the Lehigh Water Authority, which are more particularly described in subsection (c). This release of Project 70 restrictions is in consideration of the fact that records indicate that the land described in subsection (c) is to provide a right-of-way access that was inadvertently not provided at the time of the Project 70 acquisition.

(b) Freedom of restrictions.—The lands described in subsection (c) shall be free of restrictions on use and alienation imposed by the Project 70 Land Acquisition and Borrowing Act.

(c) Land to be released from restrictions.—The section of the land to be released from Project 70 restrictions is situated in the Township of Penn Forest, Carbon County, and more particularly described as follows:

All that certain access right-of-way situated in the Township of Penn Forest, County of Carbon, Commonwealth of Pennsylvania, bound and described as follows to wit:

Beginning at a point in the centerline of S.R. 903, said point being a common corner of lands of the Lehigh Water Authority; thence leaving said centerline of S.R. 903 and through said lands of the Lehigh Water Authority, South 49 degrees 37 minutes 28 seconds East (passing through a pin at 27.58 feet and 1008.94 feet) to a set pin; thence continuing through said lands of the Lehigh Water Authority, South 29 degrees 49 minutes 10 seconds East 53.49 feet to a set pin; thence continuing through said lands of the Lehigh Water Authority, South 60 degrees 10 minutes 50 seconds West 20.00 feet to a set pin in line of lands of John A. Wargo, et al. "Apollo Associates"; thence by said lands of John A. Wargo et al. "Apollo Associates"; North 29 degrees 49 minutes 10 seconds West 50.00 feet to a concrete monument, said corner being a common corner with lands of Thomas Hiller; thence partly by said lands of Thomas Hiller and partly by lands of George D. Hiller, North 49 degrees 37 minutes 28 seconds West (passing through a concrete monument at 988.15 feet) 1019.33 feet to a point in the aforementioned centerline of S.R. 903; thence along said centerline of S.R. 903, North 50 degrees 34 minutes 27 seconds East 20.32 feet to the place of beginning.

Containing 0.4917 acres (21,420.45 s.f.) of land. Being that 20 feet wide access right-of-way, as shown hereon, dated May 27, 2002.

Said described access right-of-way is to provide access to the "Apollo" property and would replace and correct the description recorded in Deed Book Volume 333, page 782.

Section 8. Repeal.

Section 3 of the act of June 22, 2000 (P.L.447, No.60), entitled "An act authorizing and directing the Department of General Services, with the approval of the Governor, to grant and convey oil, gas and mineral rights, including coal, that the Commonwealth possesses in a certain parcel of land situate in Canaan Township, Wayne County, Pennsylvania, to the United States of America and releasing certain restrictions on that land; authorizing and directing the Department of General Services, with the approval of the Governor, to sell and convey to Warren County Conservation District a certain tract of land situate in the Township of Glade, Warren County, Pennsylvania; and authorizing and directing the Department of General Services, with the approval of the Governor and the Department of Military and Veterans Affairs, to sell and convey to Media Borough a certain tract of land situate in Media Borough, Delaware County, Pennsylvania," is repealed.

Section 9. Effective date.

This act shall take effect immediately.

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

MARK S. SCHWEIKER