

No. 2003-54

AN ACT

HB 66

Authorizing and directing the Department of General Services, with the approval of the Governor, to grant and convey to Warren County certain lands situate in the Township of Conewango, Warren County; and authorizing and directing the removal of the use restriction and reversionary covenant placed on the real estate previously conveyed to Warren County and imposing other restrictions on said Warren County property situate in the Township of Elk, Warren County.

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

Section 1. Conewango Township, Warren 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 Warren County 29.6513 acres of land and buildings, more or less, as described in subsection (b) under the terms and conditions and for the consideration established in an agreement of sale to be executed with the Department of General Services.

(b) Description.—The property to be conveyed pursuant to subsection (a) consists of:

ALL THAT CERTAIN tract of land situate in the Township of Conewango, Warren County, and Commonwealth of Pennsylvania, bounded and described as follows, to wit:

BEGINNING at an existing rebar and cap at the Southeast corner of lands now or formerly of the North Warren Municipal Authority in the Westerly right-of-way line of U.S. Route 62;

Thence; South 17 degrees 59 minutes 20 seconds West, along said right-of-way line a distance of 865.01 feet to a point;

Thence; continuing along said right-of-way, South 71 degrees 40 minutes 48 seconds East, a distance of 25.00 feet to a point;

Thence; continuing along said right-of-way line South 18 degrees 19 minutes 23 seconds West, a distance of 685.00 feet to a point;

Thence; continuing along said right-of-way line, South 33 degrees 23 minutes 42 seconds West, a distance of 80.19 feet to a point;

Thence; North 80 degrees 08 minutes 11 seconds West, severing the lands of the Grantor herein a distance of 104.60 feet to a point;

Thence; continuing to sever said lands, North 55 degrees 43 minutes 31 seconds West, a distance of 118.17 feet to a point;

Thence; continuing to sever said lands, North 23 degrees 48 minutes 25 seconds West, a distance of 120.87 feet to a point;

Thence; continuing to sever said lands, South 89 degrees 48 minutes 38 seconds West, a distance of 679.09 feet to a point;

Thence; continuing to sever said lands, North 00 degrees 46 minutes 46 seconds West a distance of 274.14 feet to a point;

Thence; continuing to sever said lands, North 39 degrees 59 minutes 39 seconds East, a distance of 670.00 feet to a point

Thence; North 19 degrees 01 minutes 34 seconds East, a distance of 597.06 feet to a rebar and cap at the Southwest Corner of lands now or formerly of the North Warren Municipal Authority;

Thence; North 89 degrees 46 minutes 38 seconds East, along the aforementioned lands a distance of 809.95 feet to the Point of Beginning.

CONTAINING 29.6513 acres of land, more or less.

(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) In the event that this conveyance is not executed within six months of the effective date of this act in accordance with the terms established in an agreement of sale with the Department of General Services, the property may be disposed of 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.

(g) Disposition of proceeds.—The proceeds from the sale of the land described in this section and any other proceeds received by the Commonwealth under an agreement of sale with the Department of General Services shall be credited to the Agricultural Conservation Easement Purchase Fund.

Section 2. Warren County; release of restrictions; imposition of new restrictions.

(a) Declaration of policy.—The General Assembly finds and declares as follows:

(1) The Commonwealth is committed to conserving and protecting agricultural lands, including lands owned and formerly owned by the Commonwealth, for the production of food and other agricultural products.

(2) A substantial portion of the land in Warren County is owned by the Federal or State Government, thereby limiting the county's property tax base.

(3) During the year 2002, Pennsylvania Department of Labor and Industry statistics indicate that the unemployment rate for Warren

County was 19% higher than the unemployment rate for the entire Commonwealth during that same period.

(4) United States census statistics indicate that Warren County lost 2.6% of its population between 1990 and 2000.

(5) Job creation and reasonable tax rates are crucial to preventing the further out-migration of Warren County residents and promoting the vitality of the county's economy and communities.

(6) Through this section, the placement of agricultural or open space use restrictions on approximately 46 acres of land in exchange for the release of open space or agricultural use restrictions on approximately 23 acres of land will allow Pennsylvania to maintain its commitment to the conservation and protection of agricultural lands within this Commonwealth, including agricultural lands owned and formerly owned by the Commonwealth.

(7) Through this section, the Commonwealth also acknowledges that the people of Warren County face economic challenges and could benefit, through enhancement of the local tax base and creation of new jobs, from the development of the parcel of land described in subsection (d).

(b) Legislative intent.—It is the intent of the General Assembly that:

(1) This section shall not be construed to authorize the release or removal of any agricultural use restrictions on land owned or formerly owned by the Commonwealth, except for the parcel of land described in subsection (d).

(2) This section shall not be construed to authorize the release or removal of any agricultural use restriction or agricultural conservation easement that has been imposed on or granted for any other parcel of land located in this Commonwealth, except for the parcel of land described in subsection (d), through any means, including the provisions of the act of June 30, 1981 (P.L.128, No.43), known as the Agricultural Area Security Law.

(c) Authorization.—The General Assembly hereby authorizes the release and/or removal of the open space or agricultural purposes use restriction and reversionary covenant imposed by section 7(d)(2) of the act of December 20, 2000 (P.L.699, No.96), entitled "An act authorizing the Department of General Services, with the approval of the Governor, to grant and convey to Stepping Stone Counseling and Education Services, Inc., certain lands and building situate in the City of York, York County, Pennsylvania; authorizing and directing the Department of General Services, with the approval of the Governor and Department of Transportation, to sell and convey to the Borough of Hollidaysburg certain land situate in the Borough of Hollidaysburg, Blair County, Pennsylvania; authorizing the Department of General Services, with the approval of the Governor, to convey a tract of land in the Borough of Selinsgrove, Snyder County, to the Eastern Snyder County Regional Authority in exchange for

another tract of land in the Borough of Selinsgrove, Snyder County; authorizing and directing the Department of General Services, with the approval of the Governor, to grant and convey to Snyder County certain lands situate in Penn Township; grant and convey to Warren County certain lands situate in Conewango Township, Warren County, Pennsylvania; authorizing and directing the Department of General Services, with the approval of the Governor, to convey to the Pocono Mountains Municipal Airport Authority certain property located in Coolbaugh Township, Monroe County, which is part of the facility formerly known as the Mount Pocono Airport, and now known as the Pocono Mountains Municipal Airport; grant and convey to Warren County certain lands situate in Conewango Township, Warren County, Pennsylvania; authorizing and directing the Department of General Services, with the approval of the Department of Conservation and Natural Resources and the Governor, to convey to Hartley Township 1.308 acres of land situate in Hartley Township, Union County, Pennsylvania; and making a repeal," on lands described in subsection (d) in consideration for the imposition of an open space or agricultural purpose use restriction and reversionary covenant upon lands described in subsection (e).

(d) Description of land to be released from restrictions.—The property to be released from the open space or agricultural uses is as follows:

ALL THAT CERTAIN piece or parcel of land situate in Conewango Township, Warren County, Pennsylvania, bounded and described as follows:

BEGINNING at the point of intersection of the northerly right-of-way line of Jackson Run Road with the northwesterly right-of-way of Market Street Extension (Route 62);

THENCE North 39 degrees 12 minutes 07 seconds West along said northerly right-of-way line of Jackson Run Road a distance of 213.40 feet to a point of curvature;

THENCE northwesterly along said northerly right-of-way line along the arc of a curve concave to the southwest having a central angle of 12 degrees 04 minutes 30 seconds, a radius of 980.37 feet, a distance of 206.61 feet to a point of tangency;

THENCE North 51 degrees 16 minutes 37 seconds West along said right-of-way line a distance of 443.73 feet to a point of curvature;

THENCE northwesterly along said northerly right-of-way line along the arc of a curve concave to the southwest having a central angle of 15 degrees 43 minutes 30 seconds, a radius of 1067.14 feet, a distance of 392.88 feet to a point of tangency;

THENCE North 67 degrees 00 minutes 07 seconds West along said northerly right-of-way line a distance of 120.76 feet to the easterly line of the Warren State Hospital Cemetery;

THENCE North 27 degrees 08 minutes 51 seconds East along the said easterly line of the cemetery a distance of 390.10 feet;

THENCE North 86 degrees 20 minutes 58 seconds East a distance of 92.88 feet;

THENCE North 51 degrees 19 minutes 50 seconds East a distance of 228.53 feet;

THENCE North 90 degrees 00 minutes 00 seconds East a distance of 679.09 feet;

THENCE South 23 degrees 37 minutes 03 seconds East a distance of 120.87 feet;

THENCE South 55 degrees 32 minutes 09 seconds East a distance of 118.17 feet;

THENCE South 79 degrees 56 minutes 49 seconds East a distance of 104.60 feet to a point on the westerly right-of-way line of said Market Street Extension;

THENCE South 33 degrees 13 minutes 34 seconds West along said westerly right-of-way a distance of 75.20 feet;

THENCE South 18 degrees 17 minutes 41 seconds West along said right-of-way a distance of 200.00 feet;

THENCE South 15 degrees 34 minutes 55 seconds West along said westerly right-of-way a distance of 800.86 feet;

THENCE South 04 degrees 15 minutes 31 seconds West along said westerly right-of-way a distance of 41.23 feet;

THENCE South 73 degrees 15 minutes 42 seconds West along said right-of-way a distance of 68.48 feet to the Point of Beginning. CONTAINING 22.7451 acres of vacant land more or less.

(e) Description of land on which restrictions are imposed.—The description of the land on which the open space or agricultural purpose use restrictions and reversionary covenant are imposed is as follows:

All that certain piece or parcel of land situate in the Township of Elk, County of Warren, State of Pennsylvania, Bounded and Described as Follows:

Beginning at a point located South 05 degrees 24 minutes 59 seconds West 23 feet from the intersection of the Hodge Road and the Peterson Road;

Thence South 49 degrees 55 minutes 57 seconds East a distance of 326.59 feet;

Thence South 17 degrees 07 minutes 03 seconds West a distance of 934.44 feet;

Thence North 65 degrees 30 minutes 51 seconds West a distance of 79.49 feet;

Thence North 12 degrees 14 minutes 41 seconds East a distance of 98.04 feet;

Thence North 47 degrees 53 minutes 3 seconds West a distance of 67.92 feet;

Thence North 03 degrees 19 minutes 18 seconds East a distance of 61.60 feet;

Thence North 54 degrees 03 minutes 06 seconds West a distance of 55.07 feet;

Thence North 20 degrees 18 minutes 06 seconds East a distance of 105.48 feet;

Thence North 69 degrees 48 minutes 37 seconds West a distance of 218.93 feet;

Thence South 37 degrees 04 minutes 19 seconds West a distance of 149.92 feet;

Thence South 49 degrees 49 minutes 19 seconds West a distance of 272.39 feet;

Thence North 59 degrees 33 minutes 34 seconds West a distance of 164.31 feet;

Thence North 59 degrees 38 minutes 27 seconds West a distance of 151.93 feet;

Thence North 38 degrees 41 minutes 27 seconds East a distance of 149.26 feet;

Thence North 43 degrees 26 minutes 41 seconds West a distance of 269.64 feet;

Thence South 63 degrees 16 minutes 57 seconds West a distance of 57.39 feet;

Thence North 58 degrees 04 minutes 09 seconds West a distance of 155.83 feet;

Thence South 90 degrees West a distance of 25.00 feet;

Thence South 00 degrees 01 minutes 28 seconds West a distance of 300.00 feet;

Thence North 53 degrees 06 minutes 19 seconds West a distance of 240.22 feet;

Thence North 47 degrees 13 minutes 30 seconds West a distance of 275.69 feet;

Thence North 45 degrees 02 minutes 02 seconds West a distance of 388.50 feet;

Thence North 39 degrees 07 minutes 59 seconds East a distance of 86.29 feet;

Thence North 43 degrees 16 minutes 15 seconds East a distance of 310.57 feet;

Thence South 52 degrees 58 minutes 06 seconds East a distance of 211.26 feet;

Thence South 21 degrees 12 minutes 39 seconds East a distance of 155.01 feet;

Thence South 35 degrees 38 minutes 48 seconds East a distance of 331.00 feet;

Thence North 45 degrees 18 minutes 32 seconds East a distance of 141.94 feet;

Thence South 50 degrees 37 minutes 33 seconds East a distance of 327.75 feet;

Thence North 43 degrees 26 minutes 33 seconds East a distance of 167.30 feet;

Thence South 71 degrees 47 minutes 10 seconds East a distance of 15.04 feet;

Thence North 12 degrees 38 minutes 40 seconds East a distance of 399.99 feet;

Thence South 87 degrees 13 minutes 09 seconds East a distance of 622.88 feet to the point or place of beginning, containing 25.75 Acres.

All that certain piece or parcel of land situate in Elk Township of Warren County, State of Pennsylvania, bounded and described as follows:

Beginning at a point located North 74 degrees 35 minutes 3 seconds East 1699.14 feet from the intersection of the Hodge Road and the Peterson Road;

Thence North 34 degrees 24 minutes 39 seconds East a distance of 111.20 feet;

Thence North 22 degrees 04 minutes 42 seconds East a distance of 236.52 feet;

Thence North 35 degrees 24 minutes 34 seconds East a distance of 288.69 feet;

Thence South 86 degrees 05 minutes 49 seconds East a distance of 267.67 feet;

Thence North 85 degrees 36 minutes 08 seconds East a distance of 271.42 feet;

Thence South 31 degrees 02 minutes 43 seconds East a distance of 246.33 feet;

Thence South 54 degrees 16 minutes 47 seconds West a distance of 216.61 feet;

Thence South 19 degrees 46 minutes 49 seconds East a distance of 173.62 feet;

Thence South 70 degrees 23 minutes 23 seconds West a distance of 191.46 feet;

Thence South 85 degrees 10 minutes 29 seconds West a distance of 113.12 feet;

Thence North 87 degrees 25 minutes 06 seconds West a distance of 574.11 feet, to the point or place of beginning, containing 9.28 Acres.

All that certain piece or parcel of land situate in the Township of Elk, Warren County, State of Pennsylvania, bounded and described as follows:

Beginning at a point located North 74 degrees 35 minutes 03 seconds East 1699.14 feet from the intersection of the Hodge Road and the Peterson Road;

Thence North 00 degrees 35 minutes 06 seconds West a distance of 617.22 feet;

Thence South 88 degrees 03 minutes 01 second East a distance of 396.28 feet;

Thence North 41 degrees 11 minutes 58 seconds East a distance of 110.11 feet;

Thence North 79 degrees 10 minutes 10 seconds East a distance of 74.56 feet;

Thence South 81 degrees 14 minutes 28 seconds East a distance of 142.91 feet;

Thence South 63 degrees 10 minutes 30 seconds East a distance of 47.64 feet;

Thence South 38 degrees 25 minutes 33 seconds East a distance of 61.02 feet;

Thence South 9 degrees 49 minutes 54 seconds West a distance of 270.33 feet;

Thence South 02 degrees 02 minutes 49 seconds East a distance of 159.02 feet;

Thence North 87 degrees 35 minutes 03 seconds West a distance of 75.72 feet;

Thence South 84 degrees 26 minutes 58 seconds West a distance of 232.79 feet;

Thence South 68 degrees 03 minutes 27 seconds West a distance of 441.32 feet, to the point or place of beginning, containing 8.68 Acres more or less.

Excepting and not including the following 0.8-acre reserve parcel described as follows:

Beginning at a point located North 68 degrees 50 minutes 01 second East 2241.5 feet from intersection of the Hodge Road and the Peterson Road; said point also being located North 51 degrees 39 minutes 39 seconds East 576.62 feet from the southwest corner of the above described field;

Thence North 0 degrees East a distance of 187.00 feet;

Thence North 90 degrees East a distance of 187.00 feet;

Thence South 0 degrees East a distance of 187.00 feet;

Thence South 90 degrees West a distance of 187.00 feet to the point or place of beginning, containing 0.80 Acres more or less.

The net area of Field 3 is 7.88 acres more or less.

All that certain piece or parcel of land situate in the Township of Elk, Warren County, State of Pennsylvania, bounded and described as follows:

Beginning at a point located South 49 degrees 52 minutes 41 seconds East 987.5 feet from the intersection of the Hodge Road and the Peterson Road;

Thence South 51 degrees 42 minutes 20 seconds East a distance of 332.27 feet;

Thence South 00 degrees 19 minutes 36 seconds West a distance of 488.45 feet;

Thence North 83 degrees 48 minutes 01 second West a distance of 124.89 feet;

Thence North 47 degrees 07 minutes 57 seconds West a distance of 160.24 feet;

Thence North 4 degrees 08 minutes 35 seconds East a distance of 253.87 feet;

Thence North 06 degrees 13 minutes 10 seconds West a distance of 320.53 feet to the point or place of beginning, containing 3.00 Acres.

(f) Deed.—The indenture shall be executed by the Secretary of General Services in the name of the Commonwealth of Pennsylvania.

(g) Costs and fees.—Costs and fees incidental to conveyance shall be borne by the Grantee.

Section 3. Effective date.

This act shall take effect immediately.

APPROVED—The 30th day of December, A.D. 2003.

EDWARD G. RENDELL