

No. 2005-23

AN ACT

HB 1745

Authorizing and directing the Department of General Services, with the approval of the Governor, to convey tracts of land and buildings, consisting of a portion of the former Laurelton Center, located in Hartley Township, Union County, Pennsylvania; authorizing the Department of Transportation to convey to Montour County two tracts of land situate in the Borough of Danville, Montour County, Pennsylvania; and making a related repeal.

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

Section 1. Conveyance in Hartley Township, Union 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 the tracts of land described in subsection (b) and the improvements erected thereon to Mountain Valley, Inc., a Maryland Corporation, for consideration equal to fair market value, as determined by an independent appraisal.

(b) Description.—All those certain tracts or parcels of land, with improvements thereon erected, situate in Hartley Township, Union County, Pennsylvania, more particularly bounded and described as follows:

TRACT 1

ALL THAT CERTAIN parcel of land shown as Existing Parcel No. 1 on an addition lot subdivision prepared by Larson Design Group dated November 9, 1997 and recorded in the Union County Recorder of Deeds Office in Plat Book 19, Page 54.

CONTAINING 266.429-acres.

TRACT 2

ALL THAT CERTAIN parcel of land shown as Residual Lands of the Commonwealth of Pennsylvania on an addition lot subdivision prepared by Larson Design Group, dated November 9, 1997, and recorded in the Union County Recorder of Deeds Office in Plat Book 19, Page 54.

CONTAINING 5.993-acres.

TRACT 3

ALL THAT CERTAIN parcel of land shown as Existing Parcel No. 2 on an addition lot subdivision prepared by Larson Design Group, dated November 9, 1997, and recorded in the Union County Recorder of Deeds Office in Plat Book 19, Page 54.

CONTAINING 64.428-acres.

(c) Easements.—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.

(d) General land use restriction.—The conveyance shall be under and subject to the condition, which shall be contained in the deed, that no portion of the property being conveyed shall be used as a licensed facility as that term is defined in 4 Pa.C.S. § 1103 (relating to definitions) or for any other similar type of facility authorized under State law. The condition shall be a covenant running with the land and shall be binding upon the grantee, its successors and assigns. If a grantee, its successors or assigns permit the property authorized to be conveyed in this section, or any portion of the property, to be used in violation of this subsection, the title shall immediately revert to and revest in the grantor.

(e) Agricultural restriction.—That portion of the land as described in Tract 3 of subsection (b) that is currently subject to the provisions of the act of June 18, 1982 (P.L.549, No.159), entitled, "An act providing for the administration of certain Commonwealth farmland within the Department of Agriculture," shall continue to be subject to the restrictions provided for in that act, and a restrictive covenant limiting the uses of the property to agricultural and open space uses shall be placed in the deed.

(f) Proceeds.—

(1) Except as provided in paragraph (2), the proceeds of the conveyance shall be paid into the State Treasury and deposited in the General Fund.

(2) The portion of the proceeds of the conveyance attributed to the property described in Tract 3 of subsection (b), which portion shall be determined by an independent appraisal, shall be deposited into the Agricultural Conservation Easement Purchase Fund.

(g) Approval.—The deed of 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.

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

(i) Alternate disposal.—In the event that the conveyance under this section is not executed within one year of the effective date of this section, 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.

Section 2. Danville Borough, Montour County.

(a) Authorization and description.—The Department of Transportation, with the approval of the Governor, is hereby authorized on behalf of the Commonwealth of Pennsylvania to grant and convey to Montour County the following tracts of land situate in the Borough of Danville, Montour County, Pennsylvania, for consideration in the amount of \$5,500:

TRACT NO. 1

ALL THAT CERTAIN tract or piece of ground, located on the northern side of West Front Street, situate in the Borough of Danville, County of Montour and Commonwealth of Pennsylvania, being more fully bounded and described as follows, to wit:

BEGINNING at a point, said point located at the corner of the northern right-of-way line of West Front Street and the western right-of-way line of Rooney Avenue (20 feet wide), thence along the right-of-way line of Front Street by a curve to the right, having a radius of 1871.19 feet, a distance of 104.66 feet to a point, thence along the same by a curve to the right, having a radius of 45.33 feet, a distance of 52.25 feet to a point, said point located on the right-of-way line for S.R. 6054, thence along the same line perpendicular (Bearing North 63 degrees, 50 minutes, 32 seconds west) to SR 6054, a distance of 6.08 feet to a point on the right-of-way line for S.R. 6054 (49 feet wide), thence along the same North 26 degrees 9 minutes 28 seconds East, a distance of 95.80 feet to a point on the corner of S.R. 6054 and Friendship Alley (20 feet wide), thence along the right-of-way line of Friendship Alley (20 feet wide), South 63 degrees 13 minutes 58 seconds East, a distance of 51.87 feet to a point, a corner of Friendship Alley and the lands of Scott E. Jordan, thence along the lands of Scott E. Jordan, South 26 degrees 54 minutes 14 seconds West, a distance of 49.79 feet, thence along the same South 63 degrees 6 minutes 26 seconds East, a distance of 99.28 feet to a point on the right-of-way line of Rooney Avenue, thence along the same South 27 degrees 14 minutes 0 seconds West, a distance of 82.86 feet to the place of BEGINNING.

EXCEPTING AND RESERVING unto Scott E. Jordan a 25-foot access easement containing 2,480.43 square feet of land.

CONTAINING in area 13,881 square feet of land.

TRACT NO. 2

ALL THAT CERTAIN tract or piece of ground, located on the northern side of West Front Street, as shown on a plan, and recorded in Deed Book 197, Page 434, Montour County Records, situate in the Borough of Danville, County of Montour and Commonwealth of Pennsylvania, being more fully bounded and described as follows, to wit:

BEGINNING at a point, said point located at the corner of the eastern right-of-way line of Rooney Avenue (20 feet wide) and the northern right-of-way line of West Front Street, thence along the right-of-way line of Rooney Avenue, North 27 degrees, 10 minutes, 7 seconds East, a distance of 49.20 feet to a point, a corner of Rooney Avenue, thence along same, South 65 degrees, 46 minutes, 31 seconds East, a distance of 53.39 feet, thence along same, North 24 degrees, 13 minutes, 28 seconds East, a distance of 3.95 feet, thence along same, South 65 degrees, 41 minutes, 16 seconds East, a distance of 99.93 feet, to a point, said point located on the western right-of-way line for Mill Street (60 feet wide), thence along the same South 25 degrees, 50 minutes, 21 seconds West, a distance of 32.22 feet to a point, thence along the same by a curve to the right, having a radius of 50.33 feet, a distance of

34.06 feet to a point, said point located at the northern right-of-way line for Front Street, thence along same, South 67 degrees, 41 minutes, 47 seconds West, a distance of 25.04 feet, thence along same, South 63 degrees, 56 minutes, 30 seconds West, a distance of 39.21 feet, thence along the same by a curve to the right, having a radius of 1871.19 feet, a distance of 68.16 feet to the place of BEGINNING.

CONTAINING in area 8,218 square feet of land.

(b) Easements and interests.—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) Restrictions.—The conveyance shall be under and subject to the following conditions, which shall be contained in the deed of conveyance:

(1) No portion of the property shall be further conveyed except to another public agency. For purposes of this paragraph, “public agency” shall mean an agency of Federal, State or local government or a municipal authority.

(2) The property shall be used for nonproprietary governmental or public purposes only.

(3) If at any time the property or any portion of the property is conveyed in violation of the provisions of paragraph (1) or used in violation of the provisions of paragraph (2), the title to the property shall immediately revert to and revest in the Commonwealth of Pennsylvania.

(4) These conditions shall be covenants running with the land and shall be binding upon Montour County, its successors and assigns.

(d) Execution.—The deed of conveyance shall be approved as provided by law and shall be executed by the Secretary of Transportation in the name of the Commonwealth of Pennsylvania.

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

Section 3. Repeals are as follows:

(1) The General Assembly declares that the repeal under paragraph (2) is necessary to effectuate the conveyance in Hartley Township, Union County, pursuant to section 1.

(2) Section 2 of the act of December 19, 1997 (P.L.623, No.66), entitled “An act authorizing and directing the Department of General Services, with the approval of the Governor, to grant and convey to the City of McKeesport a tract of land situate in the Seventh Ward, City of McKeesport, Allegheny County, and to sell and convey to Smithfield Township certain land situate in the Township of Smithfield, Huntingdon County; and authorizing and directing the Department of General Services, with the approval of the Governor, to convey tracts of land and buildings, consisting of a portion of

the former Laurelton Center, located in Hartley Township, Union County, Pennsylvania," is repealed.

Section 4. This act shall take effect immediately.

APPROVED—The 5th day of July, A.D. 2005.

EDWARD G. RENDELL