

No. 2005-34

AN ACT

SB 697

Authorizing and directing the Department of General Services, with the approval of the Governor, to grant and convey to Basalt Trap Rock Company, a Pennsylvania company, or its assigns, certain lands situate in Morgan and Franklin Townships, Greene County, Pennsylvania; authorizing the Department of General Services, with the concurrence of the Department of Environmental Protection, to lease to Pier 25 North Associates Limited Partnership land within the bed of the Delaware River in the City of Philadelphia; and authorizing the Department of Transportation to convey to Montour County two tracts of land situate in the Borough of Danville, Montour County, Pennsylvania.

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

Section 1. Conveyance in Morgan and Franklin Townships, Greene County, 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 Basalt Trap Rock Company, or their assigns, all that certain land and improvements thereon, known as the Waynesburg State Correctional Institution, described in subsection (b) for \$990,000.

(b) Description.—The property to be conveyed pursuant to subsection (a) consists of approximately 117 acres described as follows:

Beginning at a White Oak corner to lands of Warren Jacobs and Stephen Crayne Estate, thence by lands of Stephen Crayne Estate and Joseph Harding, north 54 degrees 36 minutes east 2242.77 feet to a point; thence by lands of Joseph Harding north 54 degrees 36 minutes east 529.32 feet to a point; thence by lands of Ed Burnfield, north 10 degrees 6 minutes west 86.55 feet to a point, thence by lands of W. H. R. Hoge Estate, north 74 degrees 7 minutes 30 seconds east 232.75 feet to a point, thence by the same, north 56 degrees 55 minutes 30 seconds east 921.33 feet to a point; thence by lands of John B. Harry, south 8 degrees 39 minutes east 131.82 feet to a point, thence by same, north 64 degrees 30 minutes east 898.6 to a White Oak; thence by same south 43 degrees 15 minutes east 1445.4 feet to a point; thence by lands of Ben Jacobs, south 22 degrees 45 minutes east 561 feet to a point, thence along Ten Mile Creek, north 87 degrees 24 minutes west 1389.79 feet to a point, thence by same south 6 degrees 30 minutes west 346.5 feet to a point, thence by lands of Noah Sproat, north 81 degrees 15 minutes west 874.5 feet to a point, thence by same north 64 degrees 13 minutes west 582.5 feet to a point, thence by same south 84 degrees 37 minutes west 63.35 feet to a point, thence by same south 46 degrees 13 minutes west 19.15 feet to a point, thence by same south 46 degrees 13 minutes west 2272.67 feet to a point,

thence by lands of Warren Jacobs, north 53 degrees 55 minutes west 921.2 feet to a White Oak, the place of Beginning.

Containing: 117.0577 acres, more or less, according to a survey made June, 1960, by Fred L. Miller, Registered Surveyor.

Being the same lands conveyed to the Commonwealth of Pennsylvania by deed of the General State Authority, dated June 16, 1989, and recorded in Greene County Deed Book 74, page 895.

(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 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) Land use restriction.—Any conveyance authorized under this act shall be made under and subject to the condition, which shall be contained in the deed of conveyance, that no portion of the parcels conveyed shall be used as a licensed facility as that term is defined in 4 Pa.C.S. § 1103 (relating to definitions) or similar type of facility authorized under the laws of this Commonwealth. The condition shall be a covenant running with the land and shall be binding upon the grantee, its successors and assigns. Should any grantee, its successors or assigns permit any parcel conveyed in this act, or any portion thereof, to be used in violation of this subsection, the title shall immediately revert to and revest in the grantor.

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

(g) Nonconveyance.—In the event that this conveyance is not executed within six months of the effective date of this act, the property may be disposed of in accordance with Article 2406-A of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929.

Section 2. Land within the Delaware River bed.

(a) Authorization.—The Commonwealth owns the lands within the bed of the Delaware River, a portion of which lands are located in the 5th Ward of the City of Philadelphia, and includes lands commonly known as Pier 25 North and the Boat Slip located South of Pier 25 North. The Department of General Services, with the concurrence of the Department of Environmental Protection, acting on behalf of the Commonwealth is hereby authorized to lease, for such consideration as shall be agreed upon by the parties, to Pier 25 North Associates Limited Partnership for an initial term of 99 years, two tracts of land within the bed of the Delaware River in the City of Philadelphia and to extend the period for all or any portion of the leased premises for an additional term of up to 99 years.

(b) Description of property.—The land to be leased is more particularly described as follows:

TRACT 1 - BEGINNING at a point on the bulkhead line of the Delaware River as approved by the Secretary of War on September 10, 1940, which point is located the following three courses and distances from the point of intersection of the easterly line of Christopher Columbus Boulevard (150 feet wide) with the southerly line of former Willow Street produced: South 27 degrees 52 minutes West 119 feet 8 7/8 inches to point; South 74 degrees 44 minutes 00 seconds East 23 feet 10 5/8 inches to a point; Thence North 22 degrees 01 minute 33 seconds East 178 feet 10 1/4 inches to the point of beginning; thence from said point of beginning South 73 degrees 55 minutes 50 seconds East 506 feet 0 3/8 inches to a point on the pierhead line of the Delaware River as approved by the Secretary of War on September 10, 1940; thence extending along the pierhead line of the Delaware River the following two courses and distances; South 29 degrees 05 minutes 21 seconds West 54 feet 10 3/8 inches to a point; South 19 degrees 41 minutes 36 seconds West 43 feet 0 1/2 inches to a point; thence North 74 degrees 58 minutes 31 seconds West 502 feet 0 5/8 inches to a point on the bulkhead line of the Delaware River; thence extending along the bulkhead line of the Delaware River North 22 degrees 01 minute 33 seconds East 106 feet 6 1/4 inches to the point and place of BEGINNING. BEING known as Pier 25 North.

TRACT 2 - BEGINNING at a point on the bulkhead line of the Delaware River as approved by the Secretary of War on September 10, 1940, which point is located the following three courses and distances from the point of intersection of the easterly line of Christopher Columbus Boulevard (150 feet wide) with the southerly line of former Willow Street produced: South 27 degrees 52 minutes West 119 feet 8 7/8 inches to a point; South 74 degrees 44 minutes 00 seconds East 23 feet 10 5/8 inches to a point; Thence North 22 degrees 01 minute 33 seconds East 72 feet 4 inches to a point of beginning; thence from said point of beginning South 74 degrees 58 minutes 31 seconds East 502 feet 0 5/8 inches to a point on the pierhead line of the Delaware River as approved by the Secretary of War on September 10, 1940; thence extending along the pierhead line of the Delaware River South 19 degrees 41 minutes 36 seconds West 74 feet 2 inches to a point; thence North 74 degrees 44 minutes 00 seconds West 504 feet 10 inches to a point on the bulkhead line of the Delaware River; thence extending along the bulkhead line of the Delaware River North 22 degrees 01 minute 33 seconds East 72 feet 4 inches to the point and place of BEGINNING. BEING known as Boat Slip located South of Pier 25 North.

(c) Lease agreement.—The lease and any other documents hereby contemplated shall be approved by the Attorney General and shall be executed by the Department of General Services with the approval of the Department of Environmental Protection, in the name of the Commonwealth. The lease shall grant the lessee the right to assign the lease or sublease or

permit the sublease of the above-described premises for the purposes of development, consistent with public and maritime uses, for residential, office, commercial, condominium, hotel, marina or other uses.

(d) **Sublease.**—The Department of General Services, with the concurrence of the Department of Environmental Protection, acting on behalf of the Commonwealth of Pennsylvania, is also specifically authorized to enter into one or more nondisturbance agreements with any sublessee of the premises described in this act pursuant to which the Commonwealth will agree that, if the Commonwealth succeeds to the interest of the lessor under the sublease, it will not terminate the sublease unless the sublessee is in default.

(e) **Land use restriction.**—All leases authorized or referred to under this act shall be made under and subject to the condition, which shall be contained in the lease documents, that no portion of the parcels shall be used as a licensed facility as defined in 4 Pa.C.S. § 1103 (relating to definitions) or any other similar type of facility authorized under the laws of this Commonwealth. The condition shall be a covenant running with the land and shall be binding upon the lessee and sublessees and their respective successors and assigns. Should any portion of any parcel authorized to be leased under this act be used in violation of this subsection, the lease shall terminate immediately.

(f) **Improvements.**—

(1) The Department of General Services, with the approval of the Attorney General, is hereby authorized to execute, on behalf of the Commonwealth of Pennsylvania, any declaration or other document necessary to submit these premises or any portion thereof and any improvements thereon to the provisions of 68 Pa.C.S. Pt. II Subpt. B (relating to condominiums) as a leasehold condominium.

(2) (i) Development of the parcels authorized to be leased in this act shall be consistent with public and maritime uses.

(ii) The lessee, all sublessees and their respective successors and assigns shall provide and maintain at least the following free public access to the riverfront for fishing and other recreational activities and free public parking in connection with such access:

(A) Public walkways on the riverfront, including water edge promenades that provide free public access to the water and allow for passive and active recreational activities year-round and signage indicating the walkways are open to the general public.

(B) A free public park area along the public walkway near the water.

(C) A minimum of ten free public parking spaces available at all times located proximate to the public walkway near the water edge and signage indicating the free public parking.

(iii) Should the lessee, any sublessee or any of their respective successors or assigns wish to modify the public access and parking

required under this subparagraph, it must obtain the prior written approval of the Department of Environmental Protection and the Department of General Services, which approval shall not be unreasonably withheld. The public access and public parking shall be constructed concurrently with the first improvements to the parcels.

(iv) Before any fill is placed or any structure is erected upon, in or over those portions of the parcels which are under water on the effective date of this section, the person placing such fill or erecting such structure shall comply with the relevant provisions of the act of November 26, 1978 (P.L.1375, No.325), known as the Dam Safety and Encroachments Act, which may require further measures to provide for public access and use of the land and adjacent water.

(v) These conditions shall be covenants that run with the land and shall be binding upon the lessee, any sublessee and their respective successors and assigns. Should the lessee, any sublessee or any of their respective successors or assigns permit the parcels authorized to be leased under this act, or any portion thereof, to be used in a manner inconsistent with the conditions contained in this subsection, all rights and interests in the lease authorized by this act shall terminate immediately.

(g) Costs and fees.—Costs and fees incidental to the lease authorized by this section shall be borne by the lessee.

(h) Sunset provision.—In the event that the lease authorized by this section does not occur within 18 months following the effective date of this section, the authority contained in this section shall be void.

Section 3. 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 4. Effective date.

This act shall take effect immediately.

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

EDWARD G. RENDELL