

No. 2007-3

AN ACT

HB 85

Authorizing the Department of General Services, with the approval of the Governor, to grant and convey to the County of Lackawanna Transit System Authority (COLTS), certain lands situate in the City of Scranton, Lackawanna County, in exchange for a certain tract of land from COLTS situate in the City of Scranton, Lackawanna County.

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

Section 1. Conveyance in City of Scranton, Lackawanna County.

(a) Authorization.—The Department of General Services, with the approval of the Governor, is hereby authorized on behalf of the Commonwealth of Pennsylvania to grant and convey to the County of Lackawanna Transit System Authority (hereinafter COLTS) certain lands situate in the City of Scranton, Lackawanna County, in exchange for a certain tract of land from COLTS situate in the City of Scranton, Lackawanna County.

(b) Description.—The property to be conveyed to COLTS under subsection (a) consists of approximately 2.52 acres of land and improvements thereon bounded and more particularly described as follows:

LOT 1A

BEGINNING at a 3/4 inch iron pin, the intersection of the southeasterly right-of-way line of Cliff Street with the southwesterly right-of-way line of Lackawanna Avenue as shown on a plan titled, "The Commonwealth of Pennsylvania - Department of General Services - RD 1216 Pg 289 - Minor Subdivision" dated July, 2005 and prepared by Acker Associates, Inc.;

Thence along said line of Lackawanna Avenue South 51 degrees 28 minutes 04 seconds East four hundred seventy-one and five hundredths (471.05 feet) feet to a point in line of lands of Scranton Mall Associates;

Thence along said lands South 38 degrees 37 minutes 01 second West one hundred three and one hundredth (103.01 feet) feet to a point in line of lands of Lackawanna County Rail Authority;

Thence along said lands of Lackawanna County Rail Authority the following four (4) courses and distances:

1. South 70 degrees 49 minutes 56 seconds West five and ninety-three hundredths (5.93 feet) feet to a point,
2. North 88 degrees 44 minutes 38 seconds West fifty-seven and seventy-nine hundredths (57.79 feet) feet to a point of curvature,
3. along a curve to the right having a radius of nine hundred eighty-eight and thirty-one hundredths (988.31 feet) feet for an arc length of three hundred sixty-one and fifty-one hundredths (361.51 feet) feet (chord

bearing and distance being North 68 degrees 51 minutes 46 seconds West 359.50 feet) to a point of tangency, and

4. North 53 degrees 36 minutes 54 seconds West eighty and seven hundredths (80.07 feet) feet to a point on the southeasterly right-of-way line of Cliff Street;

Thence along said line of Cliff Street North 38 degrees 49 minutes 51 seconds East two hundred fifty-three and five tenths (253.50 feet) feet to the point of BEGINNING.

CONTAINING 2.24 acres of land being the same, more or less.

LOT 1B

BEGINNING at a 5/8 inch rebar on the southeasterly right-of-way line of Cliff Street, said point also being a common corner of lands the National Park Service and Lot 1B as shown on a plan titled, "The Commonwealth of Pennsylvania - Department of General Services - RB 1216 Pg 289 - Minor Subdivision" dated July, 2005 and prepared by Acker Associates, Inc.;

Thence along said line of Cliff Street North 38 degrees 49 minutes 51 seconds East thirty-nine and twenty-six hundredths (39.26 feet) feet to a point in line of Lackawanna County Rail Authority;

Thence along said lands of Lackawanna County Rail Authority the following two (2) courses and distances:

1. South 51 degrees 32 minutes 09 seconds East one and forty-eight and thirty-nine hundredths (148.39 feet) feet to a point, and
2. South 66 degrees 46 minutes 09 seconds East fifty-five and twenty-six hundredths (55.26 feet) feet to a point;

Thence along Lot 2 the following three (3) courses and distances:

1. South 25 degrees 41 minutes 58 seconds West eleven and fifty-nine hundredths (11.59 feet) feet to a point,
2. South 39 degrees 59 minutes 28 seconds West fifty-eight and five hundredths (58.05 feet) feet to a point, and
3. South 48 degrees 45 minutes 01 second West twenty-two and ninety-five hundredths (22.95 feet) feet to a point in line of lands of the National Park Service;

Thence along said lands of the National Park Service North 40 degrees 40 minutes 45 seconds West two hundred two and five tenths (202.50 feet) feet to the point of BEGINNING.

CONTAINING 12,315 square feet (0.28 acres) of land being the same, more or less.

(c) Exchange.—The conveyance authorized by subsection (b) shall be in exchange for the conveyance, by special warranty deed, from COLTS, to the Commonwealth of Pennsylvania, acting by and through its Department of General Services, of all that certain piece or parcel of land situate in the City of Scranton, Lackawanna County, Pennsylvania, bounded and described as follows:

All that certain lot, piece or parcel of land situate in the 8th Ward, City of Scranton, County of Lackawanna and State of Pennsylvania, bounded and described as follows:

Beginning at a point located on the northeasterly side of Lackawanna Avenue, said point being also located by a bearing of N 39 degrees 00 minutes W, and a distance of 138.0 feet as measured along the northeasterly side of Lackawanna Avenue from its intersection with the northwesterly right-of-way line of the D.L. & W. R.R.; thence, along the line of Lackawanna Avenue N 39 degrees 00 minutes W, 294.52 feet to a point of intersection with a curve measured radially 100 feet from the center line of the D. & H. R.R. Co.; thence on a curve to the left parallel to the center line of said D. & H. R.R. and 100 feet therefrom, said curve having a radius of 750.14 feet and length of 867.02 feet with a long chord bearing and distance of N 71 degrees 01 minute E, 819.55 feet to a point; thence S 39 degrees 00 minutes E, 45.04 feet to a point on the northwesterly right-of-way line of the D.L. & W. R.R.; thence along said right-of-way the following two courses and distances (1) on a curve to the right, having a radius of 4,037.11 and length of 278.15 and a long chord bearing and distance of a 31 degrees 32 minutes W, 278.10 feet and (2) S 47 degrees 38 minutes W, 208.68 feet to a corner of other lands of the S.R.A.; thence along lands of said S.R.A., the following two courses and distances (1) N 39 degrees 00 minutes W, 136.0 feet and (2) S 51 degrees 00 minutes W, 300.0 feet to the place of beginning.

Containing 2.277 acres of land more or less as surveyed by John R. Hennemuth, Registered Civil Engineer.

Parcel 18-A

All that certain lot, piece or parcel of land situate in the 8th Ward, City of Scranton, County of Lackawanna and State of Pennsylvania, bounded and described as follows:

Beginning at a point located on the northeasterly side of Lackawanna Avenue, said point being also located by a bearing of N 39 degrees 00 minutes W and a distance of 138.00 feet as measured along the northeasterly side of Lackawanna Avenue from its intersection with the northwesterly right-of-way line of the D. L. & W. R.R., said point being also common to a corner of Parcel 18 of the S.R.A. as shown on drawing D-14-72 by John R. Hennemuth, P.E.; thence along the line of parcel 18, N 51 degrees 00 minutes E, 300 feet to a corner; thence still along the line of Parcel 18, S 39 degrees 00 minutes E, 6.0 feet to a corner; thence over and across other lands of the S.R.A., S 51 degrees 00 minutes W, 300.0 feet to a point on the northeasterly side of Lackawanna Avenue; thence along the side of said Avenue N 39 degrees 00 minutes W, 6.0 feet to the place of beginning. Containing 0.041 acres of land and shown as Parcel 18-A on drawing B-22-72 by John R. Hennemuth, Registered Civil Engineer.

CONTAINING 2.318 acres, more or less.

The conveyance described in this section 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) Easements.—The conveyance described in subsection (b) 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) Special warranty deed.—The conveyance described in subsection (b) 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) Covenants.—Any conveyance authorized under subsection (b) shall be made under and subject to the condition, which shall be contained in the deed of conveyance, that no portion of the property conveyed 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 grantee, its successors and assigns. Should the grantee, its successors or assigns permit any portion of the property authorized to be conveyed in this section to be used in violation of this section, the title shall immediately revert to and revest in the grantor.

(g) Costs and fees.—All costs and fees incidental to the conveyance authorized by this act shall be borne by the grantee.

(h) Voidance.—In the event that the conveyance is not executed within 12 months of the effective date of this section, the authorization contained in this section shall become null and void.

Section 2. This act shall take effect immediately.

APPROVED—The 16th day of May, A.D. 2007.

EDWARD G. RENDELL