

No. 2007-62

AN ACT

HB 33

Authorizing and directing the Department of General Services, with the approval of the Department of Conservation and Natural Resources and the Governor, to lease to Pine Township, Clearfield County, a certain tract of land situate in Pine Township, Clearfield County, for a consideration of \$1.

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

Section 1. Pine Township, Clearfield County.

(a) Authorization and description.—The Department of General Services, with the approval of the Department of Conservation and Natural Resources and the Governor, is hereby authorized and directed on behalf of the Commonwealth of Pennsylvania to lease to Pine Township, Clearfield County, the tract of land bounded and described as follows:

All that certain lot, piece or parcel of land situated in the Township of Pine, County of Clearfield, Commonwealth of Pennsylvania, bounded and described as follows:

Beginning at a point, said point being a 5/8 inch iron pin with yellow plastic cap, located S 68 degrees 52 minutes 59 seconds W, 72.94 feet from United Electric Cooperative power pole no.2, located along the northern side of a certain Bureau of Forestry road, know as the Four Mile Road; thence running along the Four Mile Road, approximately 25 feet from the centerline thereof, N 63 degrees 52 minutes 12 seconds E, 436.88 feet to a 5/8 inch iron pin with yellow plastic cap; thence N 20 degrees 05 minutes 34 seconds W, 367.49 feet to a 5/8 inch iron pin with yellow plastic cap; thence S 64 degrees 44 minutes 11 seconds W, 151.49 feet to a 5/8 inch iron pin with yellow plastic cap; thence S 15 degrees 15 minutes 24 seconds W, 490.15 feet to a 5/8 inch iron pin with yellow plastic cap, the place of beginning.

Containing 108,051.926 square feet, or 2.481 acres, surveyed, and situated within the confines of a certain original tract of land warranted to James Moore and Daniel Delany, No. 5679.

Being a portion of the third described parcel of land as contained in that certain deed from Cyrus Gordon and Mary R. W. Gordon, his wife, to the Commonwealth of Pennsylvania, dated August 4, 1906 and recorded in the Office of the Recorder of Deeds of Clearfield County, Pennsylvania, in Deed Book 159, Page 253.

(b) Easements.—Lease of the land described in subsection (a) shall be made under and subject to all easements, servitudes and rights of others, including, but not confined to, streets, roadways and rights of 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

appearing of record, for any portion of the land or improvements erected thereon.

(c) Restrictions.—The lease shall be under and subject to the following conditions, which shall be contained in the lease:

(1) The term of the lease shall be for one year and shall be automatically renewed from year to year thereafter, for a period not to exceed 99 years, unless terminated by either party with six months' prior notice or as otherwise stated in the lease, for a consideration of \$1 per year.

(2) The property shall be used for township purposes and should Pine Township or its successor in function cease such use, the lease shall automatically be terminated.

(3) The property shall not be used as a municipal waste transfer station. Any facilities on the property used as or for township recycling shall be screened from view or incorporated inside a structure on the property.

(4) The Department of Conservation and Natural Resources, with the concurrence of the Department of General Services, reserves the right to receive, review and comment on all designs to make improvements to the property. The departments shall have a 60-day period for review and comment.

(d) 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.

(e) Execution.—The lease of the property described in subsection (a) shall be approved as provided by law and shall be executed by the Secretary of General Services with the approval of the Department of Conservation and Natural Resources in the name of the Commonwealth of Pennsylvania.

(f) Costs and fees.—Costs and fees incidental to the lease in this section shall be borne by Pine Township.

Section 2. Effective date.

This act shall take effect in 60 days.

APPROVED—The 20th day of November, A.D. 2007.

EDWARD G. RENDELL