

No. 2009-27

## AN ACT

SB 568

Authorizing the Department of General Services, with the approval of the Department of Military and Veterans Affairs and the Governor, to grant and convey to East Vincent Township, certain lands situate in East Vincent Township, Chester County.

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

Section 1. Conveyance to East Vincent Township, Chester County.

(a) Authorization.—The Department of General Services, with the approval of the Department of Military and Veterans Affairs and the Governor, is hereby authorized on behalf of the Commonwealth of Pennsylvania to grant and convey to East Vincent Township two tracts of land, being a portion of the Southeastern Pennsylvania Veterans' Center, situate in East Vincent Township, Chester County for \$1.

(b) Description.—The property to be conveyed pursuant to subsection (a) consists of approximately 95.903 acres and any improvements thereon bounded and more particularly described as follows:

TRACT "A"

ALL THAT CERTAIN tract or piece of land situate on the east side of Pennhurst Road (50 feet wide) and the north side of King Street (T-577, 57 feet wide), being Tract "A" of the Southeastern PA Veterans' Center Subdivision in the Township of East Vincent, County of Chester and Commonwealth of Pennsylvania, being more fully bounded and described in accordance with a survey by Kent Surveyors, designated 214-005-08, as follows, to wit:

BEGINNING at a point near the centerline of Pennhurst Road (50 feet wide), a corner of lands of Joyce M. Fox; thence along said centerline the three following courses and distances: (1) North 06 degrees 37 minutes 55 seconds East, 363.72 feet to a point; (2) in a northerly direction by a line curving to the left having a radius of 1098.14 feet, a delta angle of 9 degrees 22 minutes 14 seconds, an arc length of 179.60 feet and a chord bearing North 01 degrees 56 minutes 48 seconds East, a chord distance of 179.40 feet to a point; (3) North 02 degrees 44 minutes 19 seconds West, 82.48 feet to a point, a corner of Tract "B" in the above-mentioned subdivision; thence leaving said road along Tract "B" the two following courses and distances: (1) South 88 degrees 15 minutes 10 seconds East, 999.47 feet to a point; (2) North 00 degrees 23 minutes 12 seconds West, 329.02 feet to a point, a corner of residue lands of the Commonwealth of Pennsylvania in the above-mentioned subdivision; thence along lands of the same the four following courses and distances: (1) North 88 degrees 03 minutes 06 seconds East,

754.07 feet to a point; (2) South 29 degrees 54 minutes 13 seconds East, 580.85 feet to a point; (3) South 79 degrees 58 minutes 15 seconds East, 447.91 feet to a point; (4) South 87 degrees 46 minutes 40 seconds East, 1163.25 feet to a point, a corner of lands of PECO; thence along lands of the same the seven following courses and distances: (1) in a southerly direction by a line curving to the left having a radius of 1258.00 feet, a delta angle of 13 degrees 45 minutes 16 seconds, an arc length of 302.00 feet and a chord bearing South 03 degrees 21 minutes 57 seconds East, a chord distance of 301.27 feet to a point; (2) South 10 degrees 14 minutes 35 seconds East, 112.00 feet to a point; (3) south 03 degrees 03 minutes 35 seconds East, 233.00 feet to a point; (4) in a southerly direction by a line curving to the left having a radius of 3213.00 feet, a delta angle of 3 degrees 36 minutes 01 second, an arc length of 201.90 feet and a chord bearing South 04 degrees 51 minutes 36 seconds East, a chord distance of 201.87 feet to a point; (5) South 06 degrees 39 minutes 35 seconds East, 143.00 feet to a point; (6) North 88 degrees 04 minutes 32 seconds West, 35.00 feet to a point; (7) South 12 degrees 04 minutes 32 seconds East, 75.00 feet to a point in the centerline of King Street (57 feet wide-unimproved); thence along the centerline of said road the five following courses and distances: (1) North 88 degrees 04 minutes 32 seconds West, 92.27 feet to a point; (2) North 85 degrees 04 minutes 32 seconds West, 195.84 feet to an iron pipe; (3) North 87 degrees 00 minutes 21 seconds West, 25.82 feet to a point; (4) North 86 degrees 17 minutes 21 seconds West, 433.94 feet to a point; (5) North 82 degrees 15 minutes 21 seconds West, 836.05 feet to an iron pin, a corner of the Haverfield Subdivision (Chester County Plan No. 13682); thence along said subdivision the four following courses and distances: (1) North 82 degrees 24 minutes 57 seconds West, 15.15 feet to an iron pin; (2) North 05 degrees 26 minutes 39 seconds East, 280.17 feet to a point; (3) North 82 degrees 17 minutes 05 seconds West, 833.23 feet to an iron pin, a corner of lands of David L. Simon and Elizabeth R. Simon, and the Mennonite Foundation, Inc.; thence along lands of the same, North 82 degrees 17 minutes 43 seconds West, 865.24 feet to a point, a corner of lands of Joyce M. Fox; thence along lands of the same, North 82 degrees 45 minutes 59 seconds West, 215.67 feet to a point near the centerline of Pennhurst Road, the place of BEGINNING.

Containing 79.521-acres.

#### TRACT "B"

ALL THAT CERTAIN tract or piece of land situate on the east side of Pennhurst Road (50 feet wide) and the south side of Dunlap Road (50 feet wide), being Tract "B" of the Southeastern PA Veterans' Center Subdivision in the Township of East Vincent, County of Chester and Commonwealth of Pennsylvania, being more fully bounded and described in accordance with a survey by Kent Surveyors, designated 214-005-08, as follows, to wit:

BEGINNING at a point near the centerline of Pennhurst Road (50 feet wide), a corner of Tract "A" in the above-mentioned subdivision in line of lands of SHGC; thence along lands of SHGC and residue lands of the

Commonwealth of Pennsylvania in the above-mentioned subdivision along said centerline, North 02 degrees 44 minutes 19 seconds West, 645.37 feet to a point; thence leaving said road along said residue lands and along the southern right of way line of Dunlap Road (50 feet wide), North 84 degrees 59 minutes 40 seconds East, 1028.60 feet to a point; thence leaving said road along said residue lands and along Tract "A" in the above-mentioned subdivision, South 00 degrees 23 minutes 12 seconds East, 764.87 feet to a point, a corner of Tract "A"; thence along Tract "A", North 88 degrees 15 minutes 10 seconds West, 999.47 feet to a point near the centerline of Pennhurst Road, the place of BEGINNING.

Containing 16.382-acres.

(c) Conditions.—The following conditions shall apply:

(1) 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.

(2) In no event shall the conveyance of the parcel known as Tract "B" be executed until living accommodations have been arranged and permanently established for all residents of the Southeastern Pennsylvania Veterans' Center that occupy buildings situate on land to be conveyed.

(3) The Veterans Administration Clinic occupying certain buildings located on the land to be conveyed shall be permitted and is hereby authorized to continue to occupy those buildings until such time as accommodations have been arranged and permanently established in conformity with the provision of paragraph (2).

(d) Restrictive covenant.—The deed of conveyance shall contain the following restrictive covenant: Under and subject to a restriction that the land conveyed herein shall be used solely for recreational open space for the benefit of the public at large. Should the grantee or its successors attempt to convey the property or utilize it for any other purpose, the property shall immediately revert to the grantor.

(e) Restriction.—Any conveyance authorized under this section 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 State law. The condition shall be a covenant running with the land and shall be binding upon the grantee and its successors. Should the grantee or its successors permit any portion of the property authorized to be conveyed in this section to be used in violation of this subsection, the title shall immediately revert to and revest in the grantor.

(f) Deed of conveyance.—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.

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

(h) Expiration.—In the event that this conveyance is not executed within five years of the effective date of this section, the authorization contained herein shall expire.

Section 2. Effective date.

This act shall take effect immediately.

APPROVED—The 27th day of July, A.D. 2009.

EDWARD G. RENDELL