

No. 2009-35

AN ACT

SB 852

Authorizing and directing the Department of General Services, with the approval of the Governor and the Department of Military and Veterans Affairs, to grant and convey to the Schuylkill YMCA certain lands and a building situate in the City of Pottsville, Schuylkill County.

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

Section 1. Conveyance in Pottsville, Schuylkill County.

(a) Authorization.—The Department of General Services, with the approval of the Governor and the Department of Military and Veterans Affairs, is hereby authorized and directed on behalf of the Commonwealth of Pennsylvania to grant and convey, to the Schuylkill YMCA, certain lands and a building situate in the City of Pottsville, Schuylkill County for \$160,000.

(b) Property description.—The property to be conveyed pursuant to this section consists of approximately 0.33 acres, and an armory building bounded, and more particularly described as follows:

BEGINNING at a stake in the eastern building line of North Centre Street at the northwest corner of Lot Number Fourteen (14) in accordance with the plan of R. S. Bashore's lots dated February 1907, and made by A. B. Cochrane & Son, Engineers; thence at right angles to Centre Street eastwardly along the dividing line between Lots Numbers Thirteen (13) and Fourteen (14) for a distance of one hundred and thirty-five (135) feet and eleven and three-quarter (11 $\frac{3}{4}$) inches to the right of way of the Philadelphia & Reading Railway Company; thence southwardly along said right of way a distance of one hundred (100) feet and five (5) inches to the southeast corner of Lot Number Eighteen (18) as per said aforementioned plan; thence westwardly along the dividing line between Lots Numbers Eighteen (18) and Nineteen (19) to a stake in the eastern building line of Centre Street a distance of one hundred and forty-five (145) feet and three (3) inches; thence northwardly along said eastern building line of Centre Street one hundred (100) feet to the place of BEGINNING.

CONTAINING 0.33 Acres.

BEING the same property conveyed to the Commonwealth of Pennsylvania by Robert S. Bashore and May B. Bashore, his wife, by deed dated March 14, 1912 and recorded in the Schuylkill County Recorder of Deeds Office in Deed Book 359, Page 103.

(c) Conditions.—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.

(d) **Restriction on use.**—The 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, 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 subsection, the title shall immediately revert to and revest in the grantor.

(e) **Deed.**—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) **Deposit of proceeds.**—The proceeds from the sale shall be deposited in the State Treasury Armory Fund.

(h) **Alternate disposition.**—In the event that this conveyance is not executed within six months 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. **Effective date.**

This act shall take effect immediately.

APPROVED—The 11th day of August, A.D. 2009.

EDWARD G. RENDELL