

No. 2015-46

AN ACT

SB 897

Authorizing the Department of Transportation, with the approval of the Governor, to grant and convey to Center Square Commons, L.P., certain lands situate in the Township of Whitpain, Montgomery County.

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

Section 1. Conveyance in Township of Whitpain, Montgomery County.

(a) Authorization.—The Department of Transportation, with the approval of the Governor, is hereby authorized on behalf of the Commonwealth of Pennsylvania to enter into a land transfer with Center Square Commons, L.P., on certain land situated in the Township of Whitpain, Montgomery County, as described in subsection (b) for fair market value based on an appraisal and under terms and conditions to be established in an Agreement of Sale.

(b) Property description.—The property to be conveyed to Center Square Commons, L.P. contains a calculated area of 52,496 square feet or 1.205 acres of land, more or less that is subject to easements and restrictions of record, if any, and begins at a point in the southeasterly Right of Way line of DeKalb Pike (a.k.a. S.R. 202), (R.O.W. varies) where the same is intersected by the line dividing Unit 34 and Unit 4 (n/f Village of Center Square, LLC) Block 4 and running; thence: 1) S 53° 31' 54" E, along the said dividing line a distance of 369.45 feet to a point, 2) S 38° 19' 40" W, along the same a distance of 235.03 feet to a point, 3) N 53° 37' 37" W, along the line dividing Unit 34, Block 5 and Unit 4 (n/f Leoni Family-New Hanover Square Limited Partnership) then Unit 1, (n/f Leoni Family-New Hanover Square Limited Partnership) Block 4, a distance of 197.01 feet to a point, 4) N 35° 42' 44" E, along the line dividing Units 34 and 1, (n/f Robbin L. Cramer DMD and Robert Cramer) then Unit 2 (n/f Richard E. and Margie B. Strawhacker), a distance of 138.48 feet to a point, 5) N 37° 56' 20" E, along the line dividing Units 34 and 3 (n/f Center Square 938 DeKalb, LP) Block 5, a distance of 65.68 feet, 6) N 53° 13' 06" W, along the line dividing Units 34 and 3, Block 5, a distance of 167.67 feet to a point, and 7) Along the southeasterly Right of Way line of DeKalb Pike along a curve to the right, having a radius of 1,900.00 feet, (central angle 0° 54' 53"), an arc length of 30.33 feet, a chord bearing N 42° 07' 26" E, a distance of 30.33 feet to the point and place of beginning.

(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 and 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.—The conveyance 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 subsection, the title shall immediately revert to and revest in the grantor.

(e) Deed of conveyance.—The deed of conveyance shall be by quit claim deed and shall be executed by the Secretary of Transportation 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.—Proceeds from the sale shall be deposited into the Motor License Fund.

Section 2. Effective date.

This act shall take effect immediately.

APPROVED—The 7th day of October, A.D. 2015

TOM WOLF