

No. 2017-82

AN ACT

SB 921

Authorizing and directing the Department of General Services, with the approval of the Governor, to grant and convey to TCA Properties, L.P., certain lands and improvements situate in the City of Allentown and the City of Bethlehem, Lehigh County; and authorizing the Department of General Services, with the approval of the Department of Military and Veterans Affairs and the Governor, to grant and convey, at a price to be determined through a competitive bid process, certain lands, buildings and improvements situate in the Borough of Kane, McKean County.

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

Section 1. Conveyance in the City of Allentown and the City of Bethlehem, Lehigh County.

(a) Authorization.—The Department of General Services, with the approval of the Governor, is hereby authorized and directed on behalf of the Commonwealth of Pennsylvania to grant and convey, for fair market value, as established through an independent appraisal, the following tracts of land together with any buildings, structures or improvements thereon, situate in the City of Allentown and the City of Bethlehem, Lehigh County, to TCA Properties, L.P.

(b) Property description.—The property to be conveyed pursuant to subsection (a) consists of approximately 195.167 acres of land and improvements located thereon, bounded and more particularly described as follows:

LOT #1

ALL THAT CERTAIN LOT OR PIECE OF GROUND situate in the City of Allentown and City of Bethlehem, Lehigh County, bounded and described as follows, to wit:

BEGINNING at a concrete monument found on the South side of Hanover Avenue said point being at the Northeast Corner of the lands of N/F 1514 Inc., thence FROM THE PLACE OF BEGINNING along the South line of Hanover Avenue the following courses and distances:

- (1) S 55°31'17" E for a distance of 511.16' to a point, thence
- (2) Along a curve to the Right having a Delta Angle of 5°45'00", a radius of 957.11' for an arc length of 96.05' to a point, thence
- (3) N 61°16'18" E for a distance of 5.96' to a point, thence
- (4) Along a curve to the Left having a Delta Angle of 5°47'00", a radius of 1034.11' for an arc length of 104.38' to a point, thence
- (5) N 55°29'17" E for a distance of 45.13' to the Northwest corner of Hanover Avenue and North Quebec Street; thence along the West line North Quebec Street S 7°57'43" E for a distance of 553.45' to a point at the Southwest corner of North Quebec Street and East Allen Street; thence along

the South line of East Allen Street N 81°23'17" E for a distance of 678.83' to an iron pin set at the Northwest corner of Lot #2;

Thence along Lot #2 the following course and distances:

- (1) S 27°11'30" E for a distance of 1032.47' to an iron pin set; thence
- (2) S 55°10'20" W for a distance of 243.03' to an iron pin set; thence
- (3) S 34°49'40" E for a distance of 160.00' to an iron pin set; thence
- (4) N 54°56'04" E for a distance of 603.06' to an iron pin set; thence
- (5) N 43°48'06" E for a distance of 727.05' to an iron pin set; thence
- (6) N 72°56'55" E for a distance of 285.07' to an iron pin set; thence
- (7) N 76°19'04" E for a distance of 378.08' to an iron pin set on the City of Allentown and the City of Bethlehem line; thence
- (8) Along the City of Allentown and the City of Bethlehem line N 6°55'39" W for a distance of 413.29' to an iron pin set; thence along the lands of N/F Bruce Loch and James Burkos, N/F A-town Development Company, and N/F Raymond Perez, N 82°59'59" E for a distance of 396.87' to a point; thence along the lands of N/F Raymond Perez, the South line of Grandview Boulevard, and N/F Geraldine P. Holzinger N 81°45'17" E for a distance of 396.71' to a concrete monument found; thence along the lands of PA Lines LCC S 8°31'43" E for a distance of 469.16' to a point on the North line of Central Boulevard;

Thence along the North line of Central Boulevard the following courses and distances:

- (1) Along a curve to the Right having a Delta Angle of 30°53'14", a radius of 798.97' for an arc length of 430.71' to a point, thence
- (2) S 75°44'07" W for a distance of 205.24' to a point, thence
- (3) S 66°28'27" W for a distance of 232.14' to a point,

Thence along the North line of River Drive the following courses and distances:

- (1) S 69°08'28" W for a distance of 282.83' to a point; thence
- (2) S 54°30'17" W for a distance of 507.39' to a point; thence
- (3) S 50°28'17" W for a distance of 411.58' to a point; thence
- (4) S 56°43'17" W for a distance of 384.03' to a point; thence
- (5) Along a curve to the Left having a Delta Angle of 39°02'00", a radius of 256.69' for an arc length of 174.87' to a point, thence
- (6) S 17°41'17" W for a distance of 83.85' to a point; thence
- (7) Along a curve to the Right having a Delta Angle of 8°00'03", a radius of 346.78' for an arc length of 48.47' to a point,

Thence along the lands of N/F Norfolk Southern the following courses and distances:

- (1) S 39°24'36" W for a distance of 139.28' to a concrete monument found; thence
- (2) S 49°14'43" E for a distance of 6.14' to a point on the North line of River Drive;

Thence along the North line of River Drive the following courses and distances:

- (1) S 44°33'17" W for a distance of 159.40' to a point; thence
- (2) Along a curve to the Left having a Delta Angle of 14°07'00", a radius of 541.84' for an arc length of 133.50' to a point, thence
- (3) S 30°26'17" W for a distance of 799.21' to a point; thence

- (4) Along a curve to the Right having a Delta Angle of $18^{\circ}38'50''$, a radius of 891.50' for an arc length of 290.14' to a point, thence
- (5) S $49^{\circ}05'07''$ W for a distance of 392.66' to a point; thence
- (6) Along a curve to the Right having a Delta Angle of $8^{\circ}09'10''$, a radius of 536.50' for an arc length of 76.34' to a point, thence
- (7) S $57^{\circ}14'17''$ W for a distance of 332.83' to a point; thence
- (8) Along a curve to the Right having a Delta Angle of $10^{\circ}36'40''$, a radius of 663.50' for an arc length of 122.88' to a point, thence
- (9) S $46^{\circ}37'37''$ W for a distance of 729.66' to a point; thence
- (10) Along a curve to the Right having a Delta Angle of $8^{\circ}41'30''$, a radius of 536.50' for an arc length of 81.39' to a point, thence
- (11) S $55^{\circ}19'07''$ W for a distance of 126.31' to a point at the Southeast limit of unopened South Maxwell Street; thence along East line of unopened South Maxwell Street N $7^{\circ}40'54''$ W for a distance of 1981.82' to a concrete monument found;

Thence along the lands of N/F the Community Services for Children the following courses and distances:

- (1) N $77^{\circ}27'55''$ E for a distance of 343.59' to a point; thence
- (2) N $82^{\circ}36'13''$ E for a distance of 264.92' to a point; thence
- (3) N $7^{\circ}34'12''$ W for a distance of 48.78' to a point; thence
- (4) N $10^{\circ}07'23''$ E for a distance of 18.41' to a point; thence
- (5) N $33^{\circ}51'14''$ E for a distance of 77.17' to a point; thence
- (6) N $6^{\circ}18'35''$ W for a distance of 41.34' to a point; thence
- (7) S $83^{\circ}24'45''$ W for a distance of 56.39' to a point; thence
- (8) N $6^{\circ}18'23''$ W for a distance of 35.42' to a point; thence
- (9) N $83^{\circ}44'46''$ E for a distance of 56.41' to an iron pipe found; thence
- (10) N $6^{\circ}16'03''$ W for a distance of 223.32' to a point; thence
- (11) S $83^{\circ}06'05''$ W for a distance of 6.70' to a point; thence
- (12) N $7^{\circ}22'55''$ W for a distance of 78.48' to an iron pipe found; thence
- (13) S $76^{\circ}24'27''$ W for a distance of 46.07' to a point; thence
- (14) N $13^{\circ}36'19''$ W for a distance of 35.10' to an iron pipe found; thence
- (15) N $76^{\circ}12'08''$ E for a distance of 49.86' to an iron pipe found; thence
- (16) N $7^{\circ}25'05''$ W for a distance of 258.86' to an iron pipe found; thence
- (17) S $83^{\circ}23'26''$ W for a distance of 257.59' to a point;

Thence along the lands of N/F Baldeu Raj SharmaTrust, the East limit of East Pine Street and N/F Richard C. Birch Sr. N $1^{\circ}54'54''$ W for a distance of 250.32' to a concrete monument found on the South line of East Gordon Street; thence along the South line of East Gordon street N $82^{\circ}02'47''$ E for a distance of 319.05' to an iron pipe found at the Southeast corner of East Gordon North Oswego Streets; thence along the East line of North Oswego Street N $6^{\circ}39'00''$ W for a distance of 8.01' to a point; thence along the lands of Kelly Brookhart and Mark MacNemara N $81^{\circ}51'17''$ E for a distance of 229.30' to a concrete monument found; thence along the lands of N/F Tina Rivera, N/F Karl & Ruth Schuster, N/F Dee Ann Diaz, N/F Timothy Koppenhaver, N/F David & Ruth Koppenhaver, N/F Eugene & Constance Fritz, N/F Miriam Estrella, N/F David & Helen Galbraith, N/F Gary & Kay Matsco, N/F Charles & Jacqueline Scherer, N/F Sharon Peters, N/F Jeremy Ingle, and the East Limit of East Clair Street N $8^{\circ}17'43''$ W for a distance of

733.25' to a point, thence along the East line of 1514 Inc. N 34°22'50" W for a distance of 152.66' to the place of BEGINNING.

CONTAINING 165.846-Acres.

BEING shown as Lot #1 on the Final Minor Subdivision Plan of the Allentown State Hospital prepared by the City of Allentown Department of Public Works, Drawing #06-005, dated July 20, 2007, last revised March 25, 2009.

LOT #2

ALL THAT CERTAIN LOT OR PIECE OF GROUND situate in the City of Allentown, Lehigh County, bounded and described as follows, to wit:

BEGINNING at an iron pin set on the south line of East Allen Street, said point being located North 81° 23' 17" East for a distance of 678.83 feet from the Southwest corner of North Quebec Street and the said point of BEGINNING being the Northwest corner of this described parcel; thence from the place of BEGINNING along the South line of East Allen Street and the South Line of Oil Process Systems North 81° 23' 17" East for a distance of 531.03 feet to a concrete monument found; thence along the lands of Bruce Loch and James Burkos the following nine (9) courses and distances;

- (1) South 43° 13' 28" East - 11.42 feet to a concrete monument found; thence
- (2) South 80° 16' 15" West - 54.97 feet to an iron pin found; thence
- (3) South 7° 57' 07" West - 61.34 feet to a concrete monument found; thence
- (4) South 61° 19' 56" East - 163.09 feet to a concrete monument found; thence
- (5) North 68° 57' 39" East - 177.92 feet to a concrete monument found; thence
- (6) North 58° 25' 17" East - 238.88 feet to a concrete monument found; thence
- (7) North 23° 18' 43" West - 36.00 feet to a concrete monument found; thence
- (8) North 82° 58' 20" East - 987.96 feet to a concrete monument found; thence
- (9) North 82° 59' 59" East - 1.43 feet to a point; thence along Lot #1, the residue lands of the Commonwealth of Pennsylvania the following eight (8) courses and distances;
 - (1) South 6° 55' 39" East - 413.29 feet to a iron pin set; thence
 - (2) South 76° 19' 04" West - 378.08 feet to a iron pin set; thence
 - (3) South 72° 56' 55" West - 285.07 feet to a iron pin set; thence
 - (4) South 43° 48' 06" West - 727.05 feet to a iron pin; thence
 - (5) South 54° 56' 04" West - 603.06 feet to a iron pin; thence
 - (6) North 34° 49' 40" West - 160.00 feet to a iron pin set; thence
 - (7) North 55° 10' 20" East - 243.03 feet to a iron pin set; thence
 - (8) North 27° 11' 30" West - 1032.47 feet to the place of BEGINNING.

CONTAINING 29.321-Acres.

BEING shown as Lot #2 on the Final Minor Subdivision Plan of the Allentown State Hospital prepared by the City of Allentown Department of

Public Works, Drawing #06-005, dated July 20, 2007, last revised March 25, 2009.

(c) Requirement for conveyance.—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) Gaming 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, 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) Covenants, conditions and restrictions.—The Secretary of General Services may impose any covenants, conditions, restrictions and reservations on the sale of the property as is deemed in the best interests of the Commonwealth of Pennsylvania.

(f) Easements.—The Secretary of General Services may grant or retain any easements necessary to effectuate this section.

(g) 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.

(h) Costs and fees.—All costs and fees incurred by the Department of General Services shall be borne by the grantee.

(i) Expiration.—If the Department of General Services and the grantee under subsection (a) have not executed an agreement of sale within three years of the effective date of this section, the authority provided under this act to do so shall expire.

Section 2. Conveyance of two tracts in the Borough of Kane, McKean 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 to grant and convey, at a price to be determined through competitive bidding, the property described under subsection (b) together with any buildings, structures or improvements thereon, situate in the Borough of Kane, McKean County.

(b) Property description.—The property to be conveyed pursuant to subsection (a) consists of two tracts of approximately 0.34 acres of land and improvements located thereon, bounded and more particularly bounded and described as follows:

TRACT ONE

ALL THAT CERTAIN PIECE, PARCEL OR LOT OF LAND in the Borough of Kane, County of McKean, and Commonwealth of Pennsylvania, bounded and described as follows:

BEGINNING at a point in the South line of Chestnut Street, Two hundred and thirty and nine-tenths feet Westward (230.9 ft. W) of an iron monument marking the South-west corner of Chestnut and Fraley Streets, said place of beginning being likewise the North-east corner of land agreed to be conveyed to Kane Lodge #329 Benevolent Protective Order of Elks, and adjoining the property in Lot B. formerly conveyed to them by Deed dated February 17, 1913. Thence by said Lot South $5^{\circ} 58'$ East, one hundred and seventy feet (S. $5^{\circ} 58'$ E. 170 Ft.): Thence by the North line of an alley parallel to Chestnut Street, North $84^{\circ} 02'$ East sixty-one and ninety-eight one-hundredths feet (No. $84^{\circ} 02'$ E. 61.98 ft.) to the West line of another alley: Thence by the West line of said alley, parallel to Fraley Street, North $0^{\circ} 5'$ E. (170.95 ft.) one hundred seventy and ninety-five one-hundredths feet, to the South line of Chestnut Street: Thence by the South line of Chestnut Street, South Eighty-four degrees two minutes West (S. $84^{\circ} 02'$ W.) Eighty feet (80 ft.) to the place of BEGINNING.

CONTAINING twelve thousand sixty-eight (12,068) feet more or less, as surveyed by Alson Rogers, February 15th, 1913.

BEING Tax Parcel No. 8-003-512.

BEING the same premises conveyed to the Commonwealth of Pennsylvania, by deed, dated April 15, 1920 and recorded December 8, 1920, in McKean County in Deed Book 183, Page 331.

TRACT TWO

ALL THAT CERTAIN PIECE, PARCEL OR LOT OF LAND situate in the Borough of Kane, County of McKean and Commonwealth of Pennsylvania, bounded and described as follows:

BEGINNING at a point one hundred sixty feet (160 ft.) north of the north line of Pine Avenue and one hundred eighty feet (180 ft.) west of the west line of South Fraley Street; thence by the North line of an alley parallel to Pine Avenue, west forty feet (W. 40 ft.) to the south line of garage lot sold to A. Dolan; thence by the same, north about fifty-three feet (53 ft.) to the south line of another alley one hundred eighty feet (180 ft.) southward of the south line of Chestnut Street; thence by the same, parallel to Chestnut Street, north eighty-four degrees east (N. 84° E.) about forty feet (40 ft.); thence by an open alleyway or court, south about fifty-seven feet (57 ft.) to the place of BEGINNING.

TOGETHER with a garage building thereon.

BEING Tax Parcel No. 8-003-512.

BEING the same premises conveyed to the Commonwealth of Pennsylvania, by deed, dated September 9, 1960 and recorded September 12, 1960, in McKean County in Deed Book 394, Page 384.

(c) Requirement for conveyance.—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) Execution.—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.

(e) Restrictions.—The Secretary of General Services may impose any covenants, conditions or restrictions on the property described under subsection (b) at settlement as determined to be in the best interests of the Commonwealth.

(f) Proceeds.—The proceeds from the sale shall be deposited in the State Treasury Armory Fund.

Section 3. Conveyance of five tracts in the Borough of Kane, McKean 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, at a price to be determined through competitive bidding, the property described under subsection (b) together with any buildings, structures or improvements thereon, situate in the Borough of Kane, McKean County.

(b) Property description.—The property to be conveyed pursuant to subsection (a) consists of five tracts of approximately 1.46 acres of land and improvements located thereon, bounded and more particularly bounded and described as follows:

ALL THOSE CERTAIN PIECES, PARCELS OR LOTS OF LAND situate, lying and being in the Borough of Kane, McKean County, Pennsylvania, bounded and described as follows:

TRACT ONE

BEGINNING at a point in the southeast corner of Ash Street and Smithfield Avenue; thence along the easterly line of Smithfield Avenue South 210.5 feet to a point; thence easterly and parallel with Ash Street 150 feet to a point; thence northerly and parallel with Smithfield Avenue 65 feet to a point marking the southeasterly corner of Lot No. 11 formerly of Isabel Clingensmith; thence along the southerly line of Lot No. 11 westerly 50 feet; thence northerly along the westerly line of Lot No. 11, 145.5 feet to a point in the south line of Ash Street; thence along the same westerly 100 feet to the place of BEGINNING.

BEING Lots 13 and 15 and certain lands abutting on the south line of Lots Nos. 11, 13 and 15.

TRACT TWO

BEGINNING at a point in the southerly line of Ash Street 100 feet westerly from the southwest corner of Ash Street and Smithfield Avenue, said point marking the north-westerly corner of Lot No. 21 now or formerly of McKean County; thence along the south line of Ash Street westerly 50 feet to a point marking the northeasterly corner of Lot No. 25; thence southerly parallel to Smithfield Avenue 210.5 feet to a point in the westerly line of Smithfield Avenue; thence along the west line of Smithfield Avenue

northerly 65 feet to a point marking the southeasterly corner of Lot No. 19 now or formerly of McKean County; thence along the southerly line of said Lots Nos. 19 and 21 westerly 100 feet; thence along the westerly line of Lot No. 21 northerly 145.5 feet to a point in the south line of Ash Street, the place of BEGINNING.

BEING Lot No. 23 and certain lands abutting on the south line of Lots Nos. 19, 21 and 23.

TRACT THREE

BEGINNING at a post situate on the south line of Ash Street 260 feet west of the southwest corner of Elk Avenue and Ash Street, thence

- (1) West 50 feet by south line of Ash Street, thence
- (2) South at right angles to Ash Street 145-1/2 feet, thence
- (3) East at right angles 50 feet, thence
- (4) North at right angles 145-1/2 feet to a place of BEGINNING

EXCEPTING all oil or petroleum and all natural gas.

BEING part of Sub Lot 383, WT2389, Lot 11 on plot of A. E. Lyte and M.J. Sweeney.

CONTAINING 7,275 Sq. feet.

TRACT FOUR

BEGINNING at a point along the south line of Ash Street 510 feet West of the Southwest corner of Ash Street and Elk Avenue; thence at right angles South 145-1/2 feet; thence at right angles West 50 feet; thence at right angles North along the East line of Lot 23, 145-1/2 feet to the South line of Ash Street; thence by said South line East 50 feet to the place of BEGINNING.

CONTAINING 7,275 square feet of land, more or less.

EXCEPTING AND RESERVING all petroleum, carbureted hydrogen and other volatile and inflammable minerals and gases, but renouncing, waiving and releasing any and all rights to enter to explore, bore, mine, dig for, tank, store or pipe the same by works or appliances upon the said premises.

TRACT FIVE

BEGINNING at a post at the southwest corner of Smithfield Street and Ash Street; thence South along the West border of Smithfield Avenue 145-1/2 feet; thence West at right angles to Smithfield Avenue 50 feet; thence North at right angles 145-1/2 feet to the South line of Ash Street; thence East along the South line of Ash Street 50 feet to the place of BEGINNING.

CONTAINING 7,275 square feet, more or less.

BEING the same premises conveyed to the Commonwealth of Pennsylvania, by Deed, dated January 20, 1966 and recorded January 27, 1966 in McKean County in Deed Book 428, Page 523.

(c) Requirements for conveyance.—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) Execution.—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.

(e) Proceeds.—The proceeds from the sale shall be deposited in the State Treasury Armory Fund.

Section 4. Effective date.

This act shall take effect in 60 days.

APPROVED—The 22nd day of December, A.D. 2017

TOM WOLF