

No. 2019-104

AN ACT

HB 1896

Authorizing the Department of General Services, with the approval of the Governor, to release a use restriction and reversionary interest affecting certain real property situate in the Township of East Vincent, Chester County, to facilitate the grant and conveyance of the real property from the Owen J. Roberts School District to Pennsylvania American Water Company; authorizing the Department of General Services, with the approval of the Governor, to grant and convey to Centre County Industrial Development Corporation, certain lands situate in Benner Township, Centre County; and authorizing the Department of General Services, with the approval of West Chester University of Pennsylvania of the State System of Higher Education and the Governor, to grant and convey to Aqua Pennsylvania, Inc., or its assigns, an existing water tower and permanent utility easement from lands of the Commonwealth of Pennsylvania at West Chester University of Pennsylvania situate in the Borough of West Chester, County of Chester, for the purpose of public water distribution.

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

Section 1. Authorization for release affecting property in Chester County.

(a) Authorization.—The Department of General Services, with the approval of the Governor, is hereby authorized on behalf of the Commonwealth of Pennsylvania to release the use restriction and associated reversionary interest affecting certain real property previously conveyed to the Owen J. Roberts School District by the Commonwealth of Pennsylvania, through the Department of General Services, pursuant to the authority contained in section 1 of Act 41 of 1996, on such terms, conditions and for such consideration as is acceptable to the Secretary of General Services, so that the Owen J. Roberts School District can grant and convey to Pennsylvania American Water Company the subject real property for the construction of a water treatment facility for no less than fair market value as established by an independent appraisal. The use restriction and associated reversionary interest to be released is specifically set forth in section 1(e) of Act 41 of 1996.

(b) Property description.—The real property to be released from the use restriction and associated reversionary interest and conveyed by the Owen J. Roberts School District to Pennsylvania American Water Company is situate in the Township of East Vincent, Chester County, bounded and described as follows:

All that certain tract of land situate along the southerly side of Brown Drive and the westerly side of Pennhurst Road in the Township of East Vincent, County of Chester, Commonwealth of Pennsylvania, bounded and described as follows:

Beginning at a spike (set) marking the intersection of the titleline of Pennhurst Road (proposed right-of-way to be 50 feet wide) and the titleline in Brown Drive (proposed right-of-way to be 50 feet wide); thence from the place of beginning, along the titleline in Pennhurst Road, south 11 degrees 5

minutes 52 seconds east 1,018.78 feet to a spike (set) for a corner of remaining lands of the Commonwealth of Pennsylvania, thence along the same, crossing the proposed westerly right-of-way line of Pennhurst Road 25.05 feet distant and extending along the northerly side of a proposed 25 foot-wide access right-of-way, the six following courses and distances: (1) south 75 degrees 26 minutes 3 seconds west 50.89 feet to an iron pin (set), (2) south 80 degrees 49 minutes 35 seconds west 89.60 feet to an iron pin (set), (3) south 83 degrees 59 minutes 34 seconds west 425.56 feet to an iron pin (set), (4) south 80 degrees 35 minutes 53 seconds west 128.88 feet to an iron pin (set), (5) south 80 degrees 27 minutes west 106.10 feet to an iron pin (set), and (6) north 84 degrees 45 minutes west 370.14 feet to an iron pin (set) in line of lands of Spring Hollow Golf Course, Inc.; thence along the same, north 3 degrees 42 minutes 57 seconds east 456.84 feet to a concrete monument (found), a corner of lands of David A. Buchanan; thence along the same, north 4 degrees 10 minutes 57 seconds east 534.24 feet to a spike (found) in the aforementioned titleline in Brown Drive, having crossed an iron pin set at the southerly proposed right-of-way line of Brown Drive, 25.11 feet distant from the last mentioned spike; thence along the titleline in Brown Drive, north 88 degrees 56 minutes 46 seconds east 133.32 feet to a point of curve, and continuing along the titleline in Brown Drive, along a curve to the left, having a radius of 3,020 feet, through a central angle of 3 degrees 44 minutes 56 seconds and an arc distance of 197.60 feet (Chord; north 87 degrees 4 minutes 18 seconds east 197.57 feet to a spike (set) for a corner of still other remaining lands of the Commonwealth of Pennsylvania, which includes an existing dwelling and various outbuildings; thence along the same, the three following courses and distances; (1) recrossing the southerly proposed right-of-way line of Brown Drive, 25.04 feet distant, south 7 degrees 56 minutes 55 seconds east 230.60 feet to an iron pin (set), (2) north 82 degrees 3 minutes 5 seconds east 326.70 feet to an iron pin (set), and (3) north 7 degrees 56 minutes 55 seconds west 225 feet to a spike (set), again in the titleline in Brown Drive, having crossed the proposed southerly right-of-way line 25 feet distant from the last mentioned spike; thence again along the titleline in Brown Drive, north 81 degrees 41 minutes 59 seconds east 244.23 feet to the place of beginning.

Containing 22.4623 acres gross or 21.5574 acres net of land.

UNDER AND SUBJECT to all easements, servitudes and rights of others, including but not confined to streets, roadways, and rights of any 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, whether or not appearing of record, for any portion of the land or improvements erected thereon.

RIGHTS-OF-WAY - The property being conveyed shall include the following rights-of-way which were granted to the Owen J. Roberts School District:

(1) Pennhurst Road as described below:

All that certain right-of-way referred to as Pennhurst Road situate in the Township of East Vincent, County of Chester, Commonwealth of Pennsylvania, bounded and described according to a survey and subdivision plan by Conver and Smith Engineering, Inc., Royersford, Pennsylvania,

dated June 30, 1995, last revised March 4, 1996, Plan No. D-95-032, Sheet 2 of 2.

Beginning at the intersection of the titleline in the hereindescribed Pennhurst Road (50 feet wide) and the southerly right-of-way line of Brown Drive (50 feet wide), the said corner being also south 11 degrees 5 minutes 52 seconds east 25.03 feet from the intersection of the titleline in Pennhurst Road and the titleline in Brown Drive; thence from the place of beginning, along the southerly right-of-way line of Brown Drive, north 81 degrees 41 minutes 59 seconds east 46.03 feet to a corner; thence along the easterly right-of-way line of Pennhurst Road, the five (5) following courses and distances; (1) along a curve to the southeast, having a radius of 20-feet, through a central angle of 92 degrees 47 minutes 51 seconds and an arc distance of 32.39 feet (Chord: south 35 degrees 18 minutes 3 seconds west 28.97 feet) to a point of tangent, (2) crossing the westerly terminus of Dunlap Road, near the end of this course, south 11 degrees 5 minutes 52 seconds east 1,021.35 feet to a corner, (3) south 11 degrees 53 minutes 58 seconds east 698.13 feet to a point of curve, (4) along a curve to the right, having a radius of 1350 feet, through a central angle of 9 degrees 3 minutes 25 seconds and an arc distance of 213.40 feet (Chord: south 7 degrees 22 minutes 16 seconds east 213.18 feet) to a point of tangent, and (5) south 2 degrees 50 minutes 33 seconds east 36.02 feet, more or less, to a corner; thence crossing the northerly terminus of the public portion of Pennhurst Road (T-483-33 feet wide), south 86 degrees 52 minutes 4 seconds west 50 feet to a corner on the westerly right-of-way of the hereindescribed Pennhurst Road; thence along the same, the five (5) following courses and distances: (1) north 2 degrees 50 minutes 33 seconds west 36.27 feet, more or less, to a point of curve, (2) along a curve to the left, having a radius of 1300 feet, through a central angle of 9 degrees 3 minutes 25 seconds and an arc distance of 205.50 feet (Chord: north 7 degrees 22 minutes 16 seconds west 205.28 feet) to a point of tangent, (3) north 11 degrees 53 minutes 58 seconds west 698.48 feet to a corner, (4) crossing the easterly terminus of a certain 25-foot wide access right-of-way, north 11 degrees 5 minutes 52 seconds west 1026.10 feet to a point of curve, and (5) along a curve to the left, having a radius of 20 feet, through a central angel of 87 degrees 12 minutes 9 seconds and an arc distance of 30.44 feet (Chord: north 54 degrees 41 minutes 56 seconds west 27.59 feet) to a point of tangent on the aforementioned southerly right-of-way line of Brown Drive; thence along the same, north 81 degrees 41 minutes 59 seconds east 44.08 feet to the place of beginning.

(2) Brown Drive as described below:

All that certain right-of-way referred to as Brown Drive situate in the Township of East Vincent, County of Chester, Commonwealth of Pennsylvania, bounded and described according to a survey and subdivision plan by Conver and Smith Engineering, Inc., Royersford, Pennsylvania, dated June 30, 1995, last revised March 4, 1996, Plan No. D-95-032, sheet 2 of 2.

Beginning at the intersection of the southerly right-of-way line of the herein-described Brown Drive (50 feet wide) and the titleline in Pennhurst Road; (50 feet wide); the said corner being also south 11 degrees 5 minutes

52 seconds east 25.03 feet from the intersection of the titleline in Brown Drive and the titleline in Pennhurst Road; thence from the place of beginning, along the southerly right-of-way line of Brown Drive, the four (4) following courses and distances: (1) south 81 degrees 41 minutes 59 seconds west 245.61 feet to a corner, (2) south 82 degrees 24 minutes 11 seconds west 179.67 feet to a point of curve, (3) along a curve to the right, having a radius of 3045 feet, through an central angle of 6 degrees 32 minutes 35 seconds and an arc distance of 347.73 feet (Chord: south 85 degrees 40 minutes 28 seconds west 347.54 feet) to a point of tangent, and (4) south 88 degrees 56 minutes 46 seconds west 135.61 feet to a corner in line of lands of David A. Buchanan which are located southerly of Brown Drive; thence along the same and also along lands of Citizens Utilities Home Water Company which are located northerly of Brown Drive, also crossing the eastern terminus of that portion of Brown Drive which is currently public right-of-way, north 4 degrees 10 minutes 57 seconds east 50.22 feet to a corner on the northerly side of the herein-described right-of-way of Brown Drive; thence along the same, the four (4) following courses and distances: (1) north 88 degrees 56 minutes 46 seconds east 131.03 feet to a point of curve, (2) along a curve to the left, having a radius of 2995 feet, through a central angle of 6 degrees 32 minutes 35 seconds, and an arc distance of 342.02 feet (Chord: north 85 degrees 40 minutes 28 seconds east 341.84 feet) to a point of tangent, (3) north 82 degrees 24 minutes 11 seconds east 179.36 feet to a corner, and (4) partly crossing the terminus of Commonwealth Drive (a private road), North 81 degrees 41 minutes 59 seconds east 291.33 feet to a corner; thence crossing the bed of the herein-described Brown Drive; south 8 degrees 18 minutes 1 second east 50 feet to a corner on the aforementioned southerly right-of-way line of Brown Drive; thence along the same, south 81 degrees 41 minutes 59 seconds west 46.03 feet to the place of beginning.

(c) Description of restriction and reversionary interest to be released.—The use restriction and associated reversionary interest to be released is set forth in section 1(e) of Act 41 of 1996 and states as follows:

UNDER AND SUBJECT to a restriction that the property be used for educational purposes only. If the Grantee or successor in function uses the property for non-educational purposes, leases the land for non-educational or nonagricultural purposes, or attempts to sell the property within 25 years from the date the property is deeded to the Grantee, the property shall immediately revert to and revest in the Commonwealth of Pennsylvania. This restriction shall cease 25 years after the date the property is deeded to the Grantee.

(d) Legal instruments.—Any legal instruments necessary to release the use restriction and reversionary interest shall be executed by the Secretary of General Services in the name of the Commonwealth of Pennsylvania.

(e) Costs and fees.—Any costs and fees incidental to the release hereby authorized shall be borne by the grantee.

(f) Proceeds.—Any proceeds received by the Department of General Services for the release hereby authorized shall be deposited into the General Fund.

Section 2. Conveyance in Benner Township, Centre County.

(a) Authorization.—The Department of General Services, with the approval of the Governor, is authorized on behalf of the Commonwealth of Pennsylvania to grant and convey to the Centre County Industrial Development Corporation approximately 14.67 acres of land as described in subsection (b) for \$1,500,000.00.

(b) Property description.—The property to be conveyed under subsection (a) consists of approximately 14.67 acres of land more particularly described as follows:

ALL THAT CERTAIN PARCEL of land situate in Benner Township, Centre County Pennsylvania shown as Lot 3 on a plan prepared by Sweetland Engineering and Associates, Inc. entitled "4 Lot Subdivision of Lands of the Commonwealth of Pennsylvania for the Centre County Correctional Facility", drawing number E-2065 dated June 7, 2001, revised February 12, 2002, being part of lands now or formerly of the Commonwealth of Pennsylvania (SCI-Rockview), Record Book 533, Page 121, Plat Book 68 pages 126-127, described as follows:

BEGINNING at a $\frac{3}{4}$ inch re-bar, in the northeast corner of Lot 3; Thence along the western side of a variable width right-of-way of the Benner Pike (SR 0150) the following (3) courses; (1) South 15 degrees 07 minutes 54 seconds East, 400.76 feet, to a $\frac{3}{4}$ inch re-bar, a point of curvature, Thence; (2) tangent to the previous course, by the arc of a curve to the right, having a radius of 6,815.55 feet, a central angle of 7 degrees 19 minutes 34 seconds, a chord bearing and distance of South 11 degrees 28 minutes 07 seconds East, 870.88 feet, and an arch length of 871.47 feet, to a $\frac{3}{4}$ inch re-bar, Thence; (3) not tangent to the previous course, South 32 degrees 39 minutes 16 seconds West, 78.44 feet, to a $\frac{3}{4}$ inch re-bar; Thence along the northern side of the 33 foot right-of-way of Paradise Road (SR 3004) the following (3) courses; (1) North 73 degrees 17 minutes 38 seconds West, 296.22 feet, to a $\frac{3}{4}$ inch re-bar, a point of curvature, Thence; (2) tangent to the previous course, by the arc of a curve right, having a radius of 583.50 feet, a central angle of 53 degrees 49 minutes, 24 seconds, a chord bearing and distance of North 46 degrees 22 minutes 56 seconds West, 528.20 feet, and an arc length of 548.14 feet, to a $\frac{3}{4}$ inch re-bar, a point of tangency, Thence; (3) North 19 degrees 28 minutes 14 seconds West, 343.99 feet, to a $\frac{3}{4}$ inch re-bar; Thence along the southern side of lands now or formerly Robert E. Compolongo, Record Book 1050, Page 994, and also along the southern boundary of a 20 foot wide permanent sanitary sewer right-of-way, Record Book 1240 Page 529, North 34 degrees 09 minutes 55 seconds East, 334.57 feet to an existing iron pipe found; Thence along the southern side of lands now or formerly Spring-Benner-Walker Joint Authority, Deed Book 427, Page 540, and also along the southern side of lands now or formerly Harry K. Sickler, Record Book 947 Page 879, North 54 degrees 25 minutes 12 seconds East, 439.49 feet to a $\frac{3}{4}$ inch re-bar, the point of BEGINNING.

CONTAINING: 14.67-acres of land more or less and being known as Centre County Tax Parcel Number 12-3/214.

BEING the same parcel of land Centre County conveyed to the Commonwealth of Pennsylvania by its deed dated May 6, 2008 and recorded at the Office of the Centre County Recorder of Deeds at Book R 02016 - 0590.

UNDER AND SUBJECT to a required drainage easement per SR 6026 section C03 plans, at the south east corner of the property, as shown on the above-mentioned plan.

UNDER AND SUBJECT to an 8.5-foot-wide reserved right-of-way for future dedication, along Paradise Road and parallel with the boundary of Lot 3, as shown on the above-mentioned plan.

UNDER AND SUBJECT to all existing easements, conditions, restrictions, and covenants of record, including without limitation those contained in the prior deed of record as set forth above.

(c) Existing encumbrances.—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) Deed of conveyance.—The conveyance shall be by special warranty deed that shall be executed by the Secretary of General Services in the name of the Commonwealth of Pennsylvania.

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

(f) Alternate disposition.—In the event that the parties have not entered into an agreement of sale within 24 months after the effective date of this subsection, the authorization contained herein shall expire.

Section 3. Conveyance in the Borough of West Chester, County of Chester.

(a) Authorization.—The Department of General Services, with the approval of the West Chester University of Pennsylvania of the State System of Higher Education and the Governor, is hereby authorized on behalf of the Commonwealth of Pennsylvania to grant and convey to Aqua Pennsylvania, Inc., or its assigns, a potable water tower and all appurtenances thereto, together with a permanent utility easement from lands of the Commonwealth of Pennsylvania at West Chester University of Pennsylvania situate in the Borough of West Chester, County of Chester, for the purpose of public water distribution for \$1.00 and under terms and conditions to be established in an easement agreement.

(b) Property description.—The permanent utility easement to be conveyed under subsection (a) total approximately 4,484 square feet of land and bounded and more particularly described as follows:

ALL THAT CERTAIN Water Tank Easement situate in the Borough of West Chester, County of Chester, Commonwealth of Pennsylvania, as shown on the plan entitled "Permanent Easement, West Chester University Potable Water Tank" prepared for Aqua Pennsylvania, Inc., dated June 15, 2015, by Howell Kline Surveying, LLC., Wester Chester, PA, being more particularly described as follows:

BEING a circular easement, having a diameter of 75.6 feet, centered on the existing water tank, and extending radially in all directions a distance of 37.8 feet, (10 feet from the drip line of the existing tank), as shown on said plan, the radius point of said circular easement being located the following five (5) courses and distances from a remote point of beginning, a point at

the intersection of the southwesterly Right-of-Way line of South Church Street (50' wide Right-of-Way) and the southeasterly Right-of-Way of Sharpless Street (50' wide Right-of-Way): 1) along said southeasterly Right-of-Way line of Sharpless Street, South 58 05' 18" West, 1051.36 feet, to a point on the northeasterly Right-of-Way line of New Street (60' wide Right-of-Way); 2) along said Right-of-Way line of New Street, South 29 40' 17" East, 306.41 feet, to a point, a corner of a Proposed 20' wide Access Easement; 3) leaving said Right-of-Way and continuing along said Easement the next two courses and distances, North 57 01' 40" East, 151.76 feet, to a point; 4) South 62 06' 19" West, 300.83 feet, to a point; and 5) North 68 53' 40" East, 219.94 feet, to the center of the existing water tank, and the radius point for the aforesaid easement.

CONTAINING 4,484 square feet of land, be the same more or less.

ALONG WITH an appropriate means of ingress and egress thereto through the lands of the Commonwealth of Pennsylvania at West Chester University of Pennsylvania.

(c) Execution.—The bill of sale, easement agreement and any other documents necessary to effectuate the conveyance shall be executed by the Secretary of General Services in the name of the Commonwealth of Pennsylvania.

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

(e) Expiration.—In the event that the parties have not entered into a bill of sale and easement agreement within three years of the effective date of this section, the authorization contained in this section shall expire.

Section 4. Effective date.

This act shall take effect immediately.

APPROVED—The 27th day of November, A.D. 2019

TOM WOLF