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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 2797 Session of  
2022

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INTRODUCED BY CARROLL, SEPTEMBER 6, 2022

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REFERRED TO COMMITTEE ON STATE GOVERNMENT, SEPTEMBER 6, 2022

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AN ACT

1 Authorizing the Department of General Services, with the  
2 approval of the Governor, to grant and convey to The Bear  
3 Creek Township Volunteer Hose Company certain lands,  
4 buildings and improvements situate in Bear Creek Township,  
5 Luzerne County.

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

8 Section 1. Conveyance in Bear Creek Township, Luzerne County.

9 (a) Authorization.--The Department of General Services, with  
10 the approval of the Governor, is hereby authorized on behalf of  
11 the Commonwealth of Pennsylvania to grant and convey to The Bear  
12 Creek Township Volunteer Hose Company the following tract of  
13 land together with any buildings, structures or improvements  
14 thereon, situate in Bear Creek Township, Luzerne County, for  
15 \$61,000, under terms and conditions to be established in an  
16 agreement of sale.

17 (b) Property description.--The property to be conveyed under  
18 subsection (a) consists of a tract of land totaling  
19 approximately 5.592 acres, including all buildings, structures  
20 and improvements located thereon, more particularly described as

1 follows:

2 ALL THAT CERTAIN LOT, PIECE OR PARCEL OF GROUND, situate in  
3 the Bear Creek Township, County of Luzerne and Commonwealth of  
4 Pennsylvania bounded and described as follows:

5 BEGINNING at a point on the southwesterly side of a 100'  
6 right of way of Bear Creek Boulevard, S.R. 0115, said point also  
7 marking a common corner of the lands of the Commonwealth of  
8 Pennsylvania and the northern corner of the lands N/F of the  
9 Bear Creek Township Volunteer Hose Company; thence South  $36^{\circ} 11'$   
10  $17''$  West, four hundred five and thirty-two hundredths (405.32)  
11 feet to a point; thence continuing along the lands of the Bear  
12 Creek Township Volunteer Hose Company, the Lands of Michael and  
13 Charlotte Lyons, and partially along the lands of Lori Petlock,  
14 South  $89^{\circ} 53' 25''$  West, one hundred ninety two and sixty nine  
15 hundredth (192.69) feet to a point, marking the dividing line  
16 between lot 1 and lot 2 the following (10) courses and distance;  
17 (1) North  $24^{\circ} 06' 35''$  West, one hundred twelve and zero  
18 hundredths (112.00) feet to a point; (2) North  $50^{\circ} 53' 25''$  East,  
19 forty one and fifty hundredths (41.50) feet to a point; (3)  
20 North  $39^{\circ} 06' 35''$  West, seventy four and zero hundredths (74.00)  
21 feet to a point; (4) North  $61^{\circ} 06' 35''$  West, ninety two and zero  
22 hundredths (92.00) feet to a point; (5) North  $29^{\circ} 06' 35''$  West,  
23 fifty five and zero hundredths (55.00) feet to a point; (6)  
24 North  $12^{\circ} 51' 20''$  East, seventy seven and zero hundredths  
25 (77.00) feet to a point; (7) North  $26^{\circ} 57' 29''$  East, one hundred  
26 eighteen and zero hundredths (118.00) feet to a point; (8) North  
27  $51^{\circ} 35' 49''$  East, one hundred sixty six and zero hundredths  
28 (166.00) feet to a point; (9) South  $89^{\circ} 06' 34''$  East, sixty and  
29 zero hundredths (60.00) feet to a point; (10) North  $51^{\circ} 35' 49''$   
30 East, one hundred fifty and zero hundredths (150.00) feet to a

1 point on the southwesterly side on Bear Creek Boulevard; thence  
2 along the southerly right of way on a curve to the right, having  
3 a radius of nine hundred ninety one and seventy four hundredths  
4 (991.74) feet, and an arc length of three hundred ninety seven  
5 and zero two hundredths (397.02) feet, and a long cord of South  
6 34° 07' 51" East, three hundred ninety four and thirty seven  
7 hundredths (394.37) feet to the place of beginning.

8 Containing 5.592 acres of land and being all of Lot #1 as  
9 shown on drawing entitled "Final Minor Subdivision Plan,  
10 Commonwealth of Pennsylvania, Bear Creek Highway Maintenance  
11 Facility, Bear Creek Boulevard, (S.R. 0115) Bear Creek Township,  
12 Luzerne County, Pennsylvania" By Labella Associates; recorded in  
13 Luzerne County Recorder of Deeds, Instrument No. 202218825.

14 BEING P/O PIN 04J11 00A036000.

15 BEING a portion of the same parcel of land conveyed by Henry  
16 A. Behrens and Margaret E. Behrens, his wife, to the  
17 Commonwealth of Pennsylvania, by deed dated February 9, 1939,  
18 and recorded in the Office of the Recorder of Deeds of Luzerne  
19 County, Pennsylvania, in Deed Book Volume 781, Page 421; and  
20 also being a portion of the same parcel of land conveyed by  
21 Margaret E. Behrens, widow, to the Commonwealth of Pennsylvania  
22 by deed dated October 11, 1960 and recorded at the Office of the  
23 Recorder of Deeds of Luzerne County, Pennsylvania, in Deed Book  
24 Volume 1465, Page 228.

25 (c) Existing encumbrances.--The conveyance shall be made  
26 under and subject to all lawful and enforceable easements,  
27 servitudes and rights of others, including, but not confined to,  
28 streets, roadways and rights of any telephone, telegraph, water,  
29 electric, gas or pipeline companies, as well as under and  
30 subject to any lawful and enforceable estates or tenancies

1 vested in third persons appearing of record, for any portion of  
2 the land or improvements erected thereon.

3 (d) Condition.--Any conveyance authorized under this section  
4 shall be made under and subject to the condition, which shall be  
5 contained in the deed of conveyance, that no portion of the  
6 property conveyed shall be used as a licensed facility, as  
7 defined in 4 Pa.C.S. § 1103 (relating to definitions), or any  
8 other similar type of facility authorized under State law. The  
9 condition shall be a covenant running with the land and shall be  
10 binding upon the grantee and its successors and assigns. Should  
11 the grantee, its successors or assigns, permit any portion of  
12 the property authorized to be conveyed in this section to be  
13 used in violation of this subsection, the title shall  
14 immediately revert to and revest in the grantor.

15 (e) Easements.--The Department of General Services may  
16 reserve any easements in, over and across the lands to be  
17 conveyed as it deems necessary, convenient or appropriate.

18 (f) Deed of conveyance.--The conveyance shall be by special  
19 warranty deed to be executed by the Secretary of General  
20 Services in the name of the Commonwealth of Pennsylvania.

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

23 (h) Alternate disposition.--If the conveyance is not  
24 effectuated within two years after the effective date of this  
25 subsection, the property may be disposed of in accordance with  
26 section 2405-A of the act of April 9, 1929 (P.L.177, No.175),  
27 known as The Administrative Code of 1929.

28 (i) Proceeds.--The proceeds from the sale shall be deposited  
29 into the General Fund.

30 Section 2. Effective date.

1 This act shall take effect immediately.