

Attachment B - Act 71 of 2019

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CONVEYANCE - COMMONWEALTH PROPERTY IN THE CITY OF ALLENTOWN AND THE CITY OF BETHLEHEM, LEHIGH COUNTY, THROUGH A COMPETITIVE SOLICITATION PROCESS

Act of Jul. 2, 2019, P.L. 428, No. 71

Cl. 85

An Act

Authorizing and directing the Department of General Services, with the approval of the Governor, to grant and convey certain lands and improvements situate in the City of Allentown and the City of Bethlehem, Lehigh County, through a competitive solicitation process; and making a related repeal.

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

Section 1. Conveyances in City of Allentown and City of Bethlehem.

(a) Authorization.--The Department of General Services, with the approval of the Governor, is authorized and directed on behalf of the Commonwealth of Pennsylvania to grant and convey the following tracts of land together with any improvements thereon, known as the former Allentown State Hospital, situate in the City of Allentown and City of Bethlehem, Lehigh County, through a competitive solicitation for proposal process to evaluate and select a buyer based upon best value and return on investment post-demolition, which, in addition to price, may include the proposed use of the property post-demolition, job creation, return to the property tax rolls and other criteria specified in the solicitation documents. A competitive solicitation committee shall be established to review proposals and recommend a buyer. The competitive solicitation committee shall be comprised of the Secretary of General Services or their designee, the member of the Senate in whose district the majority of the property is located or their designee, the member of the House of Representatives in whose district the majority of the property is located or their designee and an official representative of the municipality in which the majority of the property is located or its designee.

(b) Property description.--The property to be conveyed under 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 $5^{\circ}47'00''$, a radius of 1034.11' for an arc length of 104.38' to a point, thence

5. N $55^{\circ}29'17''$ 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 $7^{\circ}57'43''$ 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 $81^{\circ}23'17''$ 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 $27^{\circ}11'30''$ E for a distance of 1032.47' to an iron pin set; thence

2. S $55^{\circ}10'20''$ W for a distance of 243.03' to an iron pin set; thence

3. S $34^{\circ}49'40''$ E for a distance of 160.00' to an iron pin set; thence

4. N $54^{\circ}56'04''$ E for a distance of 603.06' to an iron pin set; thence

5. N $43^{\circ}48'06''$ E for a distance of 727.05' to an iron pin set; thence

6. N $72^{\circ}56'55''$ E for a distance of 285.07' to an iron pin set; thence

7. N $76^{\circ}19'04''$ 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 $6^{\circ}55'39''$ 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 $82^{\circ}59'59''$ 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 $81^{\circ}45'17''$ E for a distance of 396.71' to a concrete monument found; thence along the lands of PA Lines LCC S $8^{\circ}31'43''$ 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 $30^{\circ}53'14''$, a radius of 798.97' for an arc length of 430.71' to a point, thence

2. S $75^{\circ}44'07''$ W for a distance of 205.24' to a point, thence

3. S $66^{\circ}28'27''$ 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 $69^{\circ}08'28''$ W for a distance of 282.83' to a point; thence

2. S $54^{\circ}30'17''$ W for a distance of 507.39' to a point; thence

3. S $50^{\circ}28'17''$ W for a distance of 411.58' to a point; thence

4. S $56^{\circ}43'17''$ W for a distance of 384.03' to a point; thence

5. Along a curve to the Left having a Delta Angle of $39^{\circ}02'00''$, a radius of 256.69' for an arc length of 174.87' to a point, thence

6. S $17^{\circ}41'17''$ W for a distance of 83.85' to a point; thence

7. Along a curve to the Right having a Delta Angle of $8^{\circ}00'03''$, 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 $39^{\circ}24'36''$ 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° 38'50", a radius of 891.50' for an arc length of 290.14' to a point, thence
5. S 49°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° 09'10", a radius of 536.50' for an arc length of 76.34' to a point, thence
7. S 57°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° 36'40", a radius of 663.50' for an arc length of 122.88' to a point, thence
9. S 46°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° 41'30", a radius of 536.50' for an arc length of 81.39' to a point, thence
11. S 55°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°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°27'55" E for a distance of 343.59' to a point; thence
2. N 82°36'13" E for a distance of 264.92' to a point; thence
3. N 7°34'12" W for a distance of 48.78' to a point; thence
4. N 10°07'23" E for a distance of 18.41' to a point; thence
5. N 33°51'14" E for a distance of 77.17' to a point; thence
6. N 6°18'35" W for a distance of 41.34' to a point; thence
7. S 83°24'45" W for a distance of 56.39' to a point; thence
8. N 6°18'23" W for a distance of 35.42' to a point; thence
9. N 83°44'46" E for a distance of 56.41' to an iron pipe found; thence
10. N 6°16'03" W for a distance of 223.32' to a point; thence
11. S 83°06'05" W for a distance of 6.70' to a point; thence
12. N 7°22'55" W for a distance of 78.48' to an iron pipe found; thence
13. S 76°24'27" W for a distance of 46.07' to a point; thence
14. N 13°36'19" W for a distance of 35.10' to an iron pipe found; thence
15. N 76°12'08" E for a distance of 49.86' to an iron pipe found; thence
16. N 7°25'05" W for a distance of 258.86' to an iron pipe found; thence
17. S 83°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°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°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°39'00" W for a distance of 8.01' to a point; thence along the lands of Kelly Brookhart and Mark MacNemara N 81°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°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) Condition precedent to property disposition.--Prior to the competitive solicitation process under subsection (a) and notwithstanding any other provision of law, the Department of General Services is authorized and directed to demolish all buildings and structures located on the property, with the exception of a Commonwealth-owned air monitoring station, utilizing funds appropriated in section 3(7)(ii)(A) of the act of October 30, 2017 (P.L.831, No.52), known as the Capital Budget Project Itemization Act of 2017-2018. The Department of General Services shall use the competitive sealed proposal method of procurement authorized by 62 Pa.C.S. § 513 (relating to competitive sealed proposals) to enter into a design/build contract to undertake the demolition of the buildings and structures.

(d) Preemption of local ordinances.--The demolition of the buildings and structures on the property and additional work ancillary to the demolition of the buildings and structures on the property by the Department of General Services are authorized notwithstanding zoning ordinances, land use ordinances, building codes or other regulations adopted or enacted by a political subdivision under the authority of any statute or under the authority of a charter or home rule charter authorized and adopted under any statute or the Constitution of Pennsylvania.

(e) 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.

(f) Gaming restriction.--A 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 or assigns. Should the grantee, its successors or assigns permit any portion of the property authorized to be conveyed in this act to be used in violation of this subsection, the title shall immediately revert to and revert in the grantor.

(g) Covenants, conditions and restrictions.--The Secretary of General Services may impose covenants, conditions, restrictions or reservations on the sale of the property as is deemed in the best interests of the Commonwealth.

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

(i) Deed.--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.

(j) Proceeds.--All proceeds from the sale of the property shall be deposited into the General Fund.

Section 2. Repeal.

Repeals are as follows:

(1) The General Assembly declares that the repeal under paragraph (2) is necessary to effectuate section 1.

(2) Section 1 of the act of December 22, 2017 (P.L.1268, No.82) entitled "An act 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," is repealed.

Section 3. Effective date.

This act shall take effect immediately.