

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2496 Session of 2022

INTRODUCED BY BOBACK, PICKETT AND MILLARD, APRIL 7, 2022

AS AMENDED ON THIRD CONSIDERATION, IN SENATE, JUNE 13, 2022

AN ACT

1 Authorizing THE RELEASE OF A RESTRICTION ON THE USE OF PROPERTY <--
2 IN PHILADELPHIA COUNTY; AUTHORIZING the Department of General
3 Services, with the approval of the Department of Agriculture
4 and the Governor, to grant and convey to Wyoming County,
5 certain lands and improvements situate in the Township of
6 Tunkhannock, Wyoming County; and authorizing the Department
7 of General Services, with the approval of the Department of
8 Corrections and the Governor, to grant and convey to John
9 Bradley Wimer, certain lands, buildings and improvements
10 situate in the City of Pittsburgh, Allegheny County.

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

13 SECTION 1. AUTHORIZATION FOR RELEASE OF RESTRICTION IN <--
14 PHILADELPHIA COUNTY.

15 (A) AUTHORIZATION.--THE DEPARTMENT OF GENERAL SERVICES, WITH
16 THE APPROVAL OF THE GOVERNOR, IS AUTHORIZED ON BEHALF OF THE
17 COMMONWEALTH OF PENNSYLVANIA TO RELEASE A USE RESTRICTION AND
18 ASSOCIATED REVERSIONARY INTEREST AFFECTING CERTAIN REAL PROPERTY
19 PREVIOUSLY CONVEYED TO 900 NORTH BROAD STREET CORPORATION BY THE
20 COMMONWEALTH OF PENNSYLVANIA UNDER SECTION 8 OF ACT 96, ON THE
21 TERMS, CONDITIONS AND FOR THE CONSIDERATION AS IS ACCEPTABLE TO
22 THE SECRETARY OF GENERAL SERVICES. THE USE RESTRICTION AND

1 ASSOCIATED REVERSIONARY INTEREST TO BE RELEASED IS SPECIFICALLY  
2 SET FORTH UNDER SECTION 8(C) OF ACT 96.

3 (B) PROPERTY DESCRIPTION.--THE USE RESTRICTION AND  
4 ASSOCIATED REVERSIONARY INTEREST REFERENCED UNDER SUBSECTION (A)  
5 AFFECTS A TRACT OF LAND SITUATE IN THE CITY OF PHILADELPHIA,  
6 COUNTY OF PHILADELPHIA, COMMONWEALTH OF PENNSYLVANIA, BOUNDED  
7 AND DESCRIBED AS FOLLOWS:

8 ALL THAT CERTAIN LOT OR PIECE OF GROUND WITH THE BUILDINGS  
9 AND IMPROVEMENTS THEREON ERECTED DESCRIBED ACCORDING TO A SURVEY  
10 AND PLAN THEREOF MADE BY WILLIAM K. CARLILE, ESQ., SURVEY AND  
11 REGULATOR OF THE 7TH DISTRICT, ON JANUARY 20, 1916, AS FOLLOWS:  
12 SITUATE ON THE WEST SIDE OF BROAD STREET, AS WIDENED TO 113  
13 FEET, AND THE NORTH SIDE OF POPLAR STREET, AS WIDENED TO 60  
14 FEET, IN THE 47TH WARD OF THE CITY OF PHILADELPHIA.  
15 CONTAINING IN FRONT OR BREADTH ON BROAD STREET 65 FEET AND  
16 EXTENDING THAT WIDTH IN LENGTH OR DEPTH WESTWARD ALONG POPLAR  
17 STREET 160 FEET TO A 40-FOOT WIDE STREET CALLED CARLISLE STREET.

18 (C) DESCRIPTION OF RESTRICTION AND REVERSIONARY INTEREST.--  
19 THE RESTRICTION AND REVERSIONARY INTEREST REFERENCED UNDER  
20 SUBSECTION (A) IS AS FOLLOWS:

21 "UNDER AND SUBJECT TO THE CONDITION WHICH PROHIBITS THE  
22 GRANTEE OR ANY SUCCESSOR IN TITLE FROM USING THE PROPERTY  
23 CONVEYED AS A HOMELESS SHELTER; THE PROPERTY SHALL REVERT TO THE  
24 COMMONWEALTH OF PENNSYLVANIA UPON FAILURE OF THE GRANTEE OR ANY  
25 SUCCESSOR IN TITLE TO COMPLY WITH THIS RESTRICTIVE USE."

26 (D) LEGAL INSTRUMENTS.--ANY LEGAL INSTRUMENT NECESSARY TO  
27 RELEASE THE USE RESTRICTION AND REVERSIONARY INTEREST UNDER THIS  
28 SECTION SHALL BE EXECUTED BY THE SECRETARY OF GENERAL SERVICES  
29 IN THE NAME OF THE COMMONWEALTH OF PENNSYLVANIA.

30 (E) COSTS AND FEES.--ANY COSTS AND FEES INCIDENTAL TO THE

1 RELEASE AUTHORIZED UNDER THIS SECTION SHALL BE BORNE BY 900  
2 NORTH BROAD CORPORATION.

3 (F) PROCEEDS.--PROCEEDS RECEIVED BY THE DEPARTMENT OF  
4 GENERAL SERVICES FOR THE RELEASE AUTHORIZED UNDER THIS SECTION  
5 SHALL BE DEPOSITED INTO THE GENERAL FUND.

6 (G) DEFINITION.--AS USED IN THIS SECTION, THE TERM "ACT 96"  
7 SHALL MEAN THE ACT OF JULY 11, 1996 (P.L.545, NO.96), ENTITLED  
8 "AN ACT PROVIDING FOR THE TRANSFER OF CERTAIN ROADWAYS BETWEEN  
9 THE COUNTY OF LACKAWANNA AND THE DEPARTMENT OF TRANSPORTATION  
10 AND FOR THE ADOPTION OF TOWNSHIP ROAD 632 IN SUSQUEHANNA COUNTY  
11 AS A STATE HIGHWAY; DIRECTING THE DEPARTMENT OF TRANSPORTATION  
12 TO TRANSFER A PORTION OF MACLAY STREET IN THE CITY OF HARRISBURG  
13 TO THE CITY OF HARRISBURG AND TO ASSUME TEMPORARY RESPONSIBILITY  
14 FOR THE PAXTANG PARKWAY IN THE BOROUGH OF PAXTANG AND THE  
15 TOWNSHIP OF SWATARA FROM THE CITY OF HARRISBURG; PROVIDING FOR  
16 THE TRANSFER OF A ROADWAY FROM THE BOROUGH OF WORMLEYSBURG,  
17 CUMBERLAND COUNTY, TO THE DEPARTMENT OF TRANSPORTATION;  
18 AUTHORIZING AND DIRECTING THE DEPARTMENT OF GENERAL SERVICES,  
19 WITH THE APPROVAL OF THE DEPARTMENT OF PUBLIC WELFARE AND THE  
20 GOVERNOR, TO CONVEY TO THE 900 NORTH BROAD CORPORATION CERTAIN  
21 REAL ESTATE SITUATE IN THE CITY AND COUNTY OF PHILADELPHIA AND  
22 THE COMMONWEALTH OF PENNSYLVANIA; AND MAKING REPEALS."

23 Section  $\pm$  2. Conveyance in Township of Tunkhannock, Wyoming <--  
24 County.

25 (a) Authorization for conveyance.--The Department of General  
26 Services, with the approval of the Department of Agriculture and  
27 the Governor, is hereby authorized on behalf of the Commonwealth  
28 of Pennsylvania to grant and convey to Wyoming County, the  
29 following tract of land together with any buildings, structures  
30 or improvements thereon, situate in the Township of Tunkhannock,

1 Wyoming County, for \$125,000, under terms and condition to be  
2 established in an agreement of sale.

3 (b) Property description.--The property to be conveyed  
4 pursuant to subsection (a) consists of a tract of approximately  
5 10.268 acres, including all buildings, structures and  
6 improvements located thereon, more particularly described as  
7 follows:

8 ALL THAT CERTAIN PIECE, PARCEL OR LOT OF LAND in the Township  
9 of Tunkhannock, County of Wyoming, and Commonwealth of  
10 Pennsylvania, bounded and described as follows:

11 Beginning at a stake situate at the intersection of the  
12 common boundary line of lands now or formerly of Frank P.  
13 Truskalaski and the lands herein described and the west line of  
14 State Highway Route #92, thence along the west line of State  
15 Highway Route #92, South 5 degrees 40 minutes East Five Hundred  
16 (500') feet to a stake; thence along the line of lands now or  
17 formerly of the Tunkhannock Industrial Foundation South 84  
18 degrees 18 minutes West Nine Hundred Eighty-four and Ten-  
19 Hundredths (984.10) feet to a stake in the east line of the  
20 Lehigh Valley Railroad; thence along the east line of the Lehigh  
21 Valley Railroad North 31 degrees 13 minutes West Three Hundred  
22 Sixty-four and Fifty-five Hundredths (364.55') feet to a stake,  
23 said stake being Southeast Five Hundred Thirty-five (535') feet  
24 along the Lehigh Valley Railroad lands from the Northwest corner  
25 of the lands now or formerly of Frank P. Truskalaski, thence  
26 along the lands now or formerly of Frank P. Truskalaski North 75  
27 degrees 47 minutes East One Thousand One Hundred Fifty-four and  
28 Twenty Hundredths (1154.20) feet to a stake in the West line of  
29 State Highway Route #92, the place of beginning.

30 BEING Tax Parcel No. 26-051-0-111-00-00-00.

1 BEING the same premises conveyed by The General State  
2 Authority to the Commonwealth of Pennsylvania by deed dated June  
3 16, 1989 and recorded January 12, 1990, in Wyoming County in  
4 Deed Book Volume 256, Page 795.

5 (c) Existing encumbrances.--The conveyance shall be made  
6 under and subject to all lawful and enforceable easements,  
7 servitudes and rights of others, including, but not confined to  
8 streets, roadways and rights of any telephone, telegraph, water,  
9 electric, gas or pipeline companies, as well as under and  
10 subject to any lawful and enforceable estates or tenancies  
11 vested in third persons appearing of record, for any portion of  
12 the land or improvements erected thereon.

13 (d) Condition.--Any conveyance authorized under this section  
14 shall be made under and subject to the condition, which shall be  
15 included in the deed of conveyance, that no portion of the  
16 property conveyed shall be used as a "licensed facility," as  
17 that term is defined in 4 Pa.C.S. § 1103 (relating to  
18 definitions), or any similar type of facility authorized under  
19 State law. The condition shall be a covenant running with the  
20 land and shall be binding upon the grantee and its successors  
21 and assigns. Should the grantee, its successors or assigns,  
22 permit any portion of the property authorized to be conveyed in  
23 this section to be used in violation of this subsection, the  
24 title shall immediately revert to and revest in the grantor.

25 (e) Deed.--The conveyance shall be made by special warranty  
26 deed to be executed by the Secretary of General Services in the  
27 name of the Commonwealth of Pennsylvania.

28 (f) Covenants, conditions and restrictions.--The Secretary  
29 of General Services may impose any covenants, conditions or  
30 restrictions on the property described in subsection (b) at

1 settlement as determined to be in the best interests of the  
2 Commonwealth.

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

5 (h) Alternate disposition.--In the event that the conveyance  
6 authorized in this section is not completed within one year  
7 after the effective date of this section, the authority to  
8 convey the property to Wyoming County as set forth in subsection  
9 (a) shall expire, and the property may be disposed of in  
10 accordance with Article XXIV-A of the act of April 9, 1929  
11 (P.L.177, No.175), known as The Administrative Code of 1929.

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

14 Section ~~2~~ 3. Conveyance in City of Pittsburgh, Allegheny       <--  
15 County.

16 (a) Authorization.--The Department of General Services, with  
17 the approval of the Department of Corrections and the Governor,  
18 is hereby authorized on behalf of the Commonwealth of  
19 Pennsylvania to grant and convey the following tracts of land,  
20 together with any buildings, structures or improvements thereon,  
21 situate in the City of Pittsburgh, Allegheny County, to John  
22 Bradley Wimer for \$140,000, under terms and conditions to be  
23 established in an agreement of sale.

24 (b) Property description.--The property to be conveyed  
25 pursuant to subsection (a) consists of two tracts totaling  
26 approximately 0.16 acre of land, including all buildings,  
27 structures and improvements located thereon, more particularly  
28 described as follows:

29 ALL THOSE CERTAIN LOTS OR PIECES OF GROUND situate in the  
30 27th Ward of the City of Pittsburgh (formerly 11th Ward of the

1 City of Allegheny), County of Allegheny, and Commonwealth of  
2 Pennsylvania, being part of Lot No. 20 in Michael Geyer Heirs  
3 Plan No. 2, as the same is recorded in the Recorder's Office of  
4 Allegheny County in Plan Book Volume 19, page 177, being bounded  
5 and described as follows, to wit:

6 BEGINNING at a point on the Westerly side of Shadeland  
7 (formerly Geyer) Avenue at the dividing line between Lots Nos.  
8 21 and 20 in said plan; thence along said Westerly side of  
9 Shadeland Avenue, South 8 degrees 15 minutes East, a distance of  
10 49.0 feet to a point; thence South 81 degrees 45 minutes West,  
11 and parallel with the dividing line between said Lots Nos. 21  
12 and 20, a distance of 125 feet to a point; thence North 6  
13 degrees 15 minutes West and parallel with said Shadeland Avenue,  
14 a distance of 49.0 feet to the dividing line between Lots Nos.  
15 21 and 20 in said Plan; and thence North 81 degrees 45 minutes  
16 East, along the dividing line between Lots Nos. 21 and 20, a  
17 distance of 125 feet to the place of beginning.

18 BEGINNING at a point at the intersection of Lots Nos. 2, 3,  
19 20 and 21 in said Plan said point being distant 142.5 feet  
20 Eastwardly measured along the dividing line between Lots Nos. 2  
21 and 3 in said plan from the Easterly side of McClure Avenue;  
22 thence along the dividing line between Lots Nos. 20 and 21 in  
23 said plan; Eastwardly, 17.5 feet to line of land of Lenore  
24 Schwerd Getty; thence along said land, Southwardly, 49.0 feet to  
25 line of land of Irene Schwerd Fisher; thence along said land,  
26 parallel with the dividing line between Lots Nos. 20 and 21 in  
27 said Plan, Westwardly 17.5 feet to the dividing line between  
28 Lots Nos. 3 and 20 in said Plan; thence along said dividing  
29 line, Northwardly, 49.0 feet to the place of beginning.

30 THE above two described parcels together make a lot 49 feet,

1 more or less, fronting on the Westerly side of Shadeland Avenue  
2 and extending back therefrom a uniform width of 49 feet to a  
3 uniform depth of 142.5 feet, and having erected thereon a two  
4 and one-half story brick building on the Easterly portion and a  
5 stucco garage on the Westerly portion thereof, said lot in its  
6 entirety being designated as Block No. 75-D, Lot No. 136 in the  
7 Allegheny County Deed Registry records.

8 Under and subject to a driveway agreement of an entire width  
9 totaling 7 ½ feet with its center line being the boundary line  
10 of the South side of the lot herein conveyed and the North side  
11 or boundary of land now or formerly owned by I.S. Fisher, as  
12 provided in the said agreement between Irene Schwerd Fisher,  
13 widow, and Lenora Schwerd Getty, also known as Lenore Schwerd  
14 Getty, widow, dated March 15, 1947, and recorded in Allegheny  
15 County Deed Book Volume 2949, at Page 69.

16 Being the same premises conveyed by James J. Carson, a single  
17 man, and Margaret Hall-Owens Carson, widow, to the Commonwealth  
18 of Pennsylvania by deed dated June 2, 1952 and recorded at the  
19 Office of the Recorder of Deeds of Allegheny County at Deed Book  
20 Volume 3172 Page 709.

21 BEING Tax Parcel No. 75-D-136.

22 (c) Conditions.--The conveyance shall be made under and  
23 subject to all lawful and enforceable easements, servitudes and  
24 rights of others, including, but not confined to, streets,  
25 roadways and rights of any telephone, telegraph, water,  
26 electric, gas or pipeline companies, as well as under and  
27 subject to any lawful and enforceable estates or tenancies  
28 vested in third persons appearing of record, for any portion of  
29 the land or improvements erected thereon.

30 (d) Restriction.--Any conveyance authorized under this



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

12 (e) Deed of conveyance.--The conveyance shall be by special  
13 warranty deed to be executed by the Secretary of General  
14 Services in the name of the Commonwealth of Pennsylvania.

15 (f) Covenants, conditions and restrictions.--The Secretary  
16 of General Services may impose any covenants, conditions or  
17 restrictions on the property described in subsection (b) at  
18 settlement as determined to be in the best interests of the  
19 Commonwealth.

20 (g) Alternate disposition.--In the event that the conveyance  
21 authorized herein is not completed within one year after the  
22 effective date of this subsection, the authority to convey the  
23 property to John Bradley Wimer as set forth in subsection (a)  
24 shall expire, and the property may be disposed of in accordance  
25 with section 2405-A of the act of April 9, 1929 (P.L.177,  
26 No.175), known as The Administrative Code of 1929.

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

29 Section ~~3~~ 4. Effective date.

30 This act shall take effect immediately.

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