

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 561 Session of 2021

INTRODUCED BY FONTANA, APRIL 14, 2021

AS AMENDED ON THIRD CONSIDERATION, JUNE 15, 2021

AN ACT

1 Authorizing the Department of General Services, with the
2 approval of the Governor, to grant and convey certain lands,
3 buildings and improvements situate in the City of Pittsburgh,
4 Allegheny County, through a competitive solicitation for
5 proposals process--; AND AUTHORIZING THE DEPARTMENT OF GENERAL <--
6 SERVICES, WITH THE APPROVAL OF THE DEPARTMENT OF CORRECTIONS
7 AND THE GOVERNOR, TO GRANT AND CONVEY TO ALEXANDER DELMONT
8 BARD AND MELISSA MARIE BARD, CERTAIN LANDS AND IMPROVEMENTS
9 SITUATE IN THE CITY OF PITTSBURGH, ALLEGHENY COUNTY.

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

12 Section 1. Conveyance in City of Pittsburgh, Allegheny County.

13 (a) Authorization.--The Department of General Services, with
14 the approval of the Governor, is hereby authorized on behalf of
15 the Commonwealth of Pennsylvania to grant and convey the
16 following tracts of land, together with the buildings and
17 improvements thereon, known as the former State Correctional
18 Institution - Pittsburgh, situate in the City of Pittsburgh,
19 Allegheny County, to the buyer that submits the proposal through
20 a competitive solicitation for proposals process that the
21 Department of General Services determines offers the best value
22 and return on investment. In making the determination, the

1 Department of General Services may consider, in addition to  
2 price, the proposed use of the property, job creation, return to  
3 the property tax rolls and other criteria specified in the  
4 solicitation documents. A competitive solicitation committee  
5 shall be established to review proposals and recommend a buyer.  
6 The competitive solicitation committee shall be comprised of the  
7 Secretary of General Services or a designee, the member of the  
8 Senate in whose district the majority of the property is located  
9 or a designee, the member of the House of Representatives in  
10 whose district the majority of the property is located or a  
11 designee and an official representative of the municipality in  
12 which the property is located.

13 (b) Property description.--The property to be conveyed under  
14 subsection (a) consists of two tracts of land totaling  
15 approximately 20.2736-acres, including all improvements located  
16 thereon, bounded and more particularly described as follows:

17 ALL THOSE CERTAIN parcels of land, with improvements thereon,  
18 situate in the City of Pittsburgh, Allegheny County  
19 Pennsylvania, within the area bounded by Westhall Street, New  
20 Beaver Avenue, Doer Street and the low waterline of the Ohio  
21 River, more particularly described as follows (such descriptions  
22 not constituting a consolidation of lots):

23 Tract 1

24 BEING the lands within Tax Parcel No. 44-B-100 east of Tax  
25 Parcel No. 44-B-125, a section of the former CSX Transportation  
26 System and the following Tax Parcels: 44-B-20, 44-B-25, 44-B-26,  
27 44-B-50, 44-B-60, 44-B-70, 44-C-60, 44-C-68, 44-C-90, 44-C-122,  
28 44-C-124, 44-C-402, 44-G-01, 44-G-02, 44-G-20, and 44-G-298.

29 BEGINNING at a point located at Pennsylvania State Plane  
30 South Coordinates: N 423084.50, E 1330519.44, being S 85° 05'

1 23" W a distance of 67.13 feet from a City of Pittsburgh  
2 monument in the sidewalk on the south side of Westhall Street,  
3 said point also being on the southern right-of-way line of  
4 Westhall Street, having a width of 50 feet, and being the  
5 northeastern most corner of the line of lands now or formerly of  
6 the City of Pittsburgh, Tax ID No. 44-B-125 and previously a  
7 portion of the CSX Transportation System, and being the  
8 northwestern most corner of the lands herein described, and  
9 being the point of beginning; thence along the southern right-  
10 of-way of Westhall Street the following three courses and  
11 distances:

12 N 89° 14' 55" E a distance of 671.46 feet to a point;

13 N 89° 14' 55" E a distance of 48.62 feet along the  
14 northern line of Tax Parcel 44-C-124 to a point;

15 N 89° 14' 55" E a distance of 139.20 feet along the  
16 northern line of Tax Parcel 44-C-122 to a point;

17 Thence by a curve to the right following the right-of-way  
18 transition between Westhall Street and New Beaver Avenue, having  
19 a radius of 25.00 feet, an arc length of 40.76 feet, and a chord  
20 bearing S 44° 02' 30" E a distance of 36.39 feet to a point;

21 Thence along the right-of-way of New Beaver Avenue, having a  
22 variable width, the following five courses and distances:

23 By a curve to the left along the eastern line of Tax  
24 Parcel 44-C-122 having a radius of 722.88 feet, an arc  
25 length of 126.15 feet, and a chord bearing S 02° 19' 53"  
26 E a distance of 125.99 feet to a point;

27 By a curve to the left along the eastern line of Tax  
28 Parcel 44-C-60 having a radius of 722.88 feet, an arc  
29 length of 82.56 feet, and a chord bearing S 10° 36' 08" E  
30 a distance of 82.52 feet to a point;

1 By a curve to the left along the eastern line of Tax  
2 Parcel 44-C-90 having a radius of 1035.00 feet, an arc  
3 length of 234.83 feet, and a chord bearing S 20° 23' 10"  
4 E a distance of 234.33 feet to a point;  
5 Continuing along the eastern line of Tax Parcel 44-C-90,  
6 S 26° 53' 10" E a distance of 227.22 feet to a point;  
7 S 26° 53' 10" E along the eastern line of Tax Parcel 44-  
8 G-20 a distance of 266.20 feet to a point;  
9 Thence by a curve to the right following the right-of-way  
10 transition between New Beaver Avenue and Doerr Street, having a  
11 radius of 25.00 feet, an arc length of 45.52 feet, and a chord  
12 bearing S 25° 16' 24" W a distance of 39.49 feet to a point;  
13 Thence along the northern right of way of Doerr Street, having a  
14 width of 50 feet, the following five courses:  
15 S 77° 25' 57" W a distance of 171.42 feet along the  
16 southern line of Tax Parcel 44-G-20 to a point;  
17 S 77° 25' 57" W a distance of 173.45 feet along the  
18 southern line of Tax Parcel 44-G-298 to a point;  
19 S 77° 25' 57" W a distance of 59.31 feet along the  
20 southern line of Tax Parcel 44-B-100 to a point;  
21 S 77° 25' 57" W a distance of 153.00 feet along the  
22 southern line of Tax Parcel 44-G-1 to a point;  
23 S 77° 25' 57" W a distance of 285.88 feet along the  
24 southern line of Tax Parcel 44-B-100 to a point;  
25 Thence along the line of lands now or formerly of the  
26 City of Pittsburgh, Tax Parcel No. 44-B-125, formerly a  
27 part of the CSX Transportation System and now functioning  
28 as a walking trail, the following three courses and  
29 distances:  
30 Thence by a curve to the right having a radius of 1117.56

1 feet, an arc length of 256.41 feet, and a chord bearing N  
2 31° 29' 36" W a distance of 255.85 feet to a point;  
3 Thence by a curve to the right having a radius of 1516.99  
4 feet, an arc length of 300.34 feet, and a chord bearing N  
5 20° 05' 33" W a distance of 299.85 feet to a point;  
6 N 12° 29' 42" W a distance of 615.58 feet to a point  
7 being the Point of Beginning.

8 Containing: 923,257 S.F. or 21.1951 Acres

9 EXCEPTING out from this description Tax Parcel No. 44-C-122,  
10 presently owned by the Commonwealth of Pennsylvania Department  
11 of Transportation, bounded and described as follows:

12 BEGINNING at a point being the northwestern corner of the  
13 lands described here, and the northeastern corner of lands now  
14 or formerly of the Commonwealth of Pennsylvania, Tax Parcel 44-  
15 C-124, and being a point of the southern right-of-way of  
16 Westhall Street, having a width of 50 feet, and being shown as  
17 'POB 11' on the plan SCI Pittsburgh Boundary Survey of 2017;  
18 thence continuing along the Westhall Street right-of-way N 89°  
19 14' 55" E a distance of 139.20 feet to a point; thence by a  
20 curve to the right following the right-of-way transition between  
21 Westhall Street and New Beaver Avenue, having a radius of 25.00  
22 feet, an arc length of 40.76 feet, and a chord bearing S 44° 02'  
23 30" E a distance of 36.39 feet to a point; thence along the  
24 right-of-way of New Beaver Avenue, having a variable width by a  
25 curve to the left having a radius of 722.88 feet, an arc length  
26 of 126.15 feet, and a chord bearing S 02° 19' 53" E a distance  
27 of 125.99 feet to a point; thence following the northern line of  
28 Tax Parcel 44-C-60, S 89° 03' 40" W a distance of 132.73 feet to  
29 a point; thence along the eastern line of Tax Parcel 44-C-122, N  
30 13° 36' 47" W a distance of 156.80 feet to the point of

1 beginning.

2 Containing 22,254 S.F. or 0.5109 Acres.

3 ALSO EXCEPTING out Tax Parcel No. 44-G-298, presently owned  
4 by the Allegheny County Industrial Development Authority,  
5 bounded and described as follows:

6 BEGINNING at a point being the southwestern corner of the  
7 lands described here, and the southeastern corner of lands now  
8 or formerly of the Commonwealth of Pennsylvania, Tax Parcel 44-  
9 B-100, and being a point on the northern right-of-way line of  
10 Doerr Street feet, and being shown as 'POB 17' on the plan SCI  
11 Pittsburgh Boundary Survey of 2017: thence along the eastern  
12 line of Tax Parcel 44-B-100 N 12° 40' 25" W a distance of 288.20  
13 feet to a point; thence along the southern line of Tax Parcel  
14 44-C-68, N 77° 10' 34" E a distance of 100.00 feet to a point;  
15 thence along the southern line of Tax Parcel 44-B-100, N 77° 10'  
16 34" E a distance of 0.30 feet to a point; thence along the  
17 western line of Tax Parcel No. 44-G-20, S 26° 53' 10" E a  
18 distance of 297.91 feet to a point; thence along the northern  
19 line of Doerr Street S 77° 25' 57" W a distance of 173.45 feet  
20 to the point of beginning.

21 Containing: 39,486 S.F. or 0.9065 Acres.

22 Tract 2

23 BEING the lands within Tax Parcel No. 44-B-100 bounded on the  
24 east by Tax Parcel No. 44-B-125, a section of the former CSX  
25 Transportation System, bounded on the south by the southern  
26 right-of-way line of Doerr Street having a width of 50 feet,  
27 bounded on the west by the low water line of the Ohio River, and  
28 bounded on the north by the southern right-of-way line of  
29 Westhall Street having a width of 50 feet, and more particularly  
30 described as follows:

1 BEGINNING at a point, being the point of beginning for Tract  
2 1 above, located at Pennsylvania State Plane South Coordinates:  
3 N 423084.50, E 1330519.44, being S 85° 05' 23" W a distance of  
4 67.13 feet from a City of Pittsburgh monument in the sidewalk on  
5 the south side of Westhall Street, thence from the Tract 1 point  
6 of beginning, S 89° 14' 55" W a distance of 15.32 feet from to  
7 the true point of beginning for Tract 2, also being located at  
8 Pennsylvania State Plane South Coordinates: N 423084.30, E  
9 1330504.12, and being the northeastern most corner of the lands  
10 herein described, and being a point on the southern right-of-way  
11 line of Westhall Street, having a width of 50 feet, and being  
12 the northwestern most corner of the line of lands now or  
13 formerly of the City of Pittsburgh, Tax ID No. 44-B-125  
14 previously a portion of the CSX Transportation System; thence  
15 from said True Point of Beginning along the western line of Tax  
16 Parcel No. 44-B-125 the following three courses and distances:  
17 S 12° 29' 42" E a distance of 617.49 feet to a point;  
18 By a curve to the left having a radius of 1525.63 feet,  
19 an arc length of 304.93 feet, and a chord bearing S 20°  
20 02' 59" E a distance of 304.43 feet to a point;  
21 By a curve to the left having a radius of 1132.93 feet,  
22 an arc length of 308.48 feet, and a chord bearing S 32°  
23 43' 45" E a distance of 307.52 feet to a point;  
24 Thence along the southern right-of-way line of Doerr Street,  
25 having a width of 50 feet, S 77° 25' 57" W a distance of 27.99  
26 feet to a point;  
27 Thence along the low water line of the Ohio River the following  
28 four courses and distances:  
29 By a curve to the right having a radius of 1806.62 feet,  
30 an arc length of 561.64 feet, and a chord bearing N 26°

1           06' 33" W a distance of 559.38 feet to a point;  
2           N 12° 23' 51" W a distance of 265.87 feet to a point;  
3           N 14° 11' 44" W a distance of 265.28 feet to a point;  
4           By a curve to the left having a radius of 356.28, an arc  
5           length of 153.59 feet, and a chord bearing N 28° 44' 29"  
6           W a distance of 152.41 feet to a point;

7 Thence along the southern right-of-way line of Westhall Street,  
8 having a width of 50 feet, N 89° 14' 55" E a distance of 64.69  
9 feet to a point being the true point of beginning

10 Containing: 21,603 S.F. or 0.4959 Acres.

11 Total of Tract 1 and Tract 2 is 944,860 S.F. or 21.6910 Acres.

12 Total of Tract 1 and Tract 2

13 (Less 44-C-122 and 44-G-298) is 883,120 S.F. or 20.2736 Acres.

14       Bearings based on the Pennsylvania State Plane South  
15 Coordinate System. This description prepared by Paul J. Neff,  
16 PLS of Pedersen & Pedersen, Inc., based on the 2017 survey for  
17 DGS SCI as shown on the plan SCI Pittsburgh Boundary Survey of  
18 2017. These descriptions do not constitute a Lot Consolidation  
19 of the Commonwealth's properties.

20       (c) Conditions.--The following apply:

21           (1) The conveyance authorized under this section shall  
22 be made under and subject to the condition, which shall be  
23 contained in the deed of conveyance, that no portion of the  
24 property conveyed shall be used as a licensed facility, as  
25 defined in 4 Pa.C.S. § 1103 (relating to definitions), or any  
26 other similar type of facility authorized under State law.  
27 The condition shall be a covenant running with the land and  
28 shall be binding upon the grantee, its successors or assigns.  
29 Should the grantee, its successors or assigns permit any  
30 portion of the property authorized to be conveyed by this act



1 to be used in violation of this subsection, the title shall  
2 immediately revert to and re-vest in the grantor.

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

11 (d) Deed of conveyance.--The conveyance shall be by Special  
12 Warranty Deed executed by the Secretary of General Services in  
13 the name of the Commonwealth of Pennsylvania.

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

18 (f) Costs and fees.--Costs and fees incidental to this  
19 conveyance shall be borne by the grantee.

20 (g) Proceeds.--The proceeds from the sale shall be deposited  
21 into the General Fund.

22 SECTION 2. CONVEYANCE IN CITY OF PITTSBURGH, ALLEGHENY COUNTY. <--

23 (A) AUTHORIZATION.--THE DEPARTMENT OF GENERAL SERVICES, WITH  
24 THE APPROVAL OF THE DEPARTMENT OF CORRECTIONS AND THE GOVERNOR,  
25 IS HEREBY AUTHORIZED ON BEHALF OF THE COMMONWEALTH OF  
26 PENNSYLVANIA TO GRANT AND CONVEY, FOR \$140,000, THE TRACT OF  
27 LAND DESCRIBED UNDER SUBSECTION (B), TOGETHER WITH ANY  
28 BUILDINGS, STRUCTURES OR IMPROVEMENTS THEREON, SITUATE IN THE  
29 CITY OF PITTSBURGH, ALLEGHENY COUNTY, TO ALEXANDER DELMONT BARD  
30 AND MELISSA MARIE BARD.

1 (B) PROPERTY DESCRIPTION.--THE PROPERTY TO BE CONVEYED UNDER  
2 SUBSECTION (A) CONSISTS OF ONE TRACT OF APPROXIMATELY 0.16-  
3 ACRES OF LAND AND IMPROVEMENTS LOCATED THEREON, BOUNDED AND MORE  
4 PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

5 BEGINNING AT A POINT ON THE WESTERLY SIDE OF SHADELAND  
6 (FORMERLY GEYER) AVENUE AT THE DIVIDING LINE BETWEEN LOTS NOS.  
7 21 AND 20 IN SAID PLAN; THENCE ALONG SAID WESTERLY SIDE OF  
8 SHADELAND AVENUE, SOUTH 8 DEGREES 15 MINUTES EAST, A DISTANCE OF  
9 49.0 FEET TO A POINT; THENCE SOUTH 81 DEGREES 45 MINUTES WEST,  
10 AND PARALLEL WITH THE DIVIDING LINE BETWEEN SAID LOTS NOS. 21  
11 AND 20, A DISTANCE OF 125 FEET TO A POINT; THENCE NORTH 6  
12 DEGREES 15 MINUTES WEST AND PARALLEL WITH SAID SHADELAND AVENUE,  
13 A DISTANCE OF 49.0 FEET TO THE DIVIDING LINE BETWEEN LOTS NOS.  
14 21 AND 20 IN SAID PLAN; AND THENCE NORTH 81 DEGREES 45 MINUTES  
15 EAST, ALONG THE DIVIDING LINE BETWEEN LOTS NOS. 21 AND 20, A  
16 DISTANCE OF 125 FEET TO THE PLACE OF BEGINNING. BEGINNING AT A  
17 POINT AT THE INTERSECTION OF LOTS NOS. 2, 3, 20 AND 21 IN SAID  
18 PLAN SAID POINT BEING DISTANT 142.5 FEET EASTWARDLY MEASURED  
19 ALONG THE DIVIDING LINE BETWEEN LOTS NOS. 2 AND 3 IN SAID PLAN  
20 FROM THE EASTERLY SIDE OF MCCLURE AVENUE; THENCE ALONG THE  
21 DIVIDING LINE BETWEEN LOTS NOS. 20 AND 21 IN SAID PLAN;  
22 EASTWARDLY, 17.5 FEET TO LINE OF LAND OF LENORE SCHWERD GETTY;  
23 THENCE ALONG SAID LAND, SOUTHWARDLY, 49.0 FEET TO LINE OF LAND  
24 OF IRENE SCHWERD FISHER; THENCE ALONG SAID LAND, PARALLEL WITH  
25 THE DIVIDING LINE BETWEEN LOTS NOS. 20 AND 21 IN 2 SAID PLAN,  
26 WESTWARDLY 17.5 FEET TO THE DIVIDING LINE BETWEEN LOTS NOS. 3  
27 AND 20 IN SAID PLAN; THENCE ALONG SAID DIVIDING LINE,  
28 NORTHWARDLY, 49.0 FEET TO THE PLACE OF BEGINNING. THE ABOVE TWO  
29 DESCRIBED PARCELS TOGETHER MAKE A LOT 49 FEET, MORE OR LESS,  
30 FRONTING ON THE WESTERLY SIDE OF SHADELAND AVENUE AND EXTENDING

1 BACK THEREFROM A UNIFORM WIDTH OF 49 FEET TO A UNIFORM DEPTH OF  
2 142.5 FEET, AND HAVING ERECTED THEREON A TWO AND ONE-HALF STORY  
3 BRICK BUILDING ON THE EASTERLY PORTION AND A STUCCO GARAGE ON  
4 THE WESTERLY PORTION THEREOF, SAID LOT IN ITS ENTIRETY BEING  
5 DESIGNATED AS BLOCK NO. 75-D, LOT NO. 136 IN THE ALLEGHENY  
6 COUNTY DEED REGISTRY RECORDS, AND BEING THE SAME PREMISES WHICH  
7 LENORA SCHWERD GETTY, ALSO KNOWN AS LENORE SCHWERD GETTY, WIDOW,  
8 BY DEED DATED APRIL 18, 1947, AND RECORDED IN ALLEGHENY COUNTY  
9 RECORDER'S OFFICE IN DEED BOOK, VOLUME 2944, AT PAGE 402,  
10 GRANTED AND CONVEYED UNTO JAMES J. CARSON AND MARGARET HALL-  
11 OWENS CARSON, AS JOINT TENANTS WITH THE RIGHT OF SURVIVORSHIP,  
12 THE SAID JAMES J. CARSON AND MARGARET HALL-OWENS CARSON, BEING  
13 THE NAMED GRANTORS HEREIN. BEING TAX PARCEL NO. 75-D-136. BEING  
14 THE SAME PREMISES CONVEYED TO THE COMMONWEALTH OF PENNSYLVANIA,  
15 BY DEED, DATED JUNE 2, 1952 AND RECORDED JUNE 26, 1952, IN  
16 ALLEGHENY COUNTY IN DEED BOOK VOLUME 3172, PAGE 712.

17 (C) REQUIREMENT FOR CONVEYANCE.--THE CONVEYANCE SHALL BE  
18 MADE UNDER AND SUBJECT TO ALL LAWFUL AND ENFORCEABLE EASEMENTS,  
19 SERVITUDES AND RIGHTS OF OTHERS, INCLUDING, BUT NOT CONFINED TO,  
20 STREETS, ROADWAYS AND RIGHTS OF ANY TELEPHONE, TELEGRAPH, WATER,  
21 ELECTRIC, GAS OR PIPELINE COMPANIES, AS WELL AS UNDER AND  
22 SUBJECT TO ANY LAWFUL AND ENFORCEABLE ESTATES OR TENANCIES  
23 VESTED IN THIRD PERSONS APPEARING OF RECORD, FOR ANY PORTION OF  
24 THE LAND OR IMPROVEMENTS ERECTED THEREON.

25 (D) DEED.--THE DEED OF CONVEYANCE SHALL BE BY SPECIAL  
26 WARRANTY DEED AND SHALL BE EXECUTED BY THE SECRETARY OF GENERAL  
27 SERVICES IN THE NAME OF THE COMMONWEALTH OF PENNSYLVANIA.

28 (E) COVENANTS, CONDITIONS AND RESTRICTIONS.--THE SECRETARY  
29 OF GENERAL SERVICES MAY IMPOSE ANY COVENANTS, CONDITIONS OR  
30 RESTRICTIONS ON THE PROPERTY DESCRIBED UNDER SUBSECTION (B) AT

1 SETTLEMENT AS DETERMINED TO BE IN THE BEST INTERESTS OF THE  
2 COMMONWEALTH.

3 (F) ALTERNATE DISPOSITION.--IN THE EVENT THAT THE CONVEYANCE  
4 AUTHORIZED HEREIN IS NOT COMPLETED WITHIN ONE YEAR AFTER THE  
5 EFFECTIVE DATE OF THIS ACT, THE AUTHORITY TO CONVEY THE PROPERTY  
6 TO ALEXANDER DELMONT BARD AND MELISSA MARIE BARD AS PROVIDED  
7 UNDER SECTION 1 SHALL EXPIRE, AND THE PROPERTY MAY BE DISPOSED  
8 OF IN ACCORDANCE WITH SECTION 2405-A OF THE ACT OF APRIL 9, 1929  
9 (P.L.177, NO.175), KNOWN AS THE ADMINISTRATIVE CODE OF 1929.

10 (G) PROCEEDS.--THE PROCEEDS FROM THE SALE SHALL BE DEPOSITED  
11 INTO THE GENERAL FUND.

12 Section 2 3. Effective date.

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13 This act shall take effect ~~in 60 days~~. AS FOLLOWS:

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14 (1) SECTION 1 SHALL TAKE EFFECT IN 60 DAYS.

15 (2) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT  
16 IMMEDIATELY.