

APPROVED—The 27th day of June, A. D. 1974.

MILTON J. SHAPP

The foregoing is a true and correct copy of Act of the General Assembly
No. 131.

C. McLaughlin Tucker

Secretary of the Commonwealth.

AN ACT

SB 1338

Authorizing the Department of Property and Supplies, with the approval of the Secretary of Public Welfare and the Governor, to convey 100 acres of land, more or less, situate in the Township of South Abington, Lackawanna County, Commonwealth of Pennsylvania, to the Township of Abington, the Borough of Clarks Green, the Borough of Clarks Summit, the Township of Glenburn, and the Township of South Abington, for a recreation site.

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

Section 1. The Department of Property and Supplies, with the approval of the Secretary of Public Welfare and the Governor, is hereby authorized to convey to the Townships of Abington, Glenburn, and South Abington, and the Boroughs of Clarks Green and Clarks Summit, as tenants in common, for a consideration of one dollar (\$1), all that certain land situate in Lackawanna County, Pennsylvania, bounded and described, as follows:

All that certain piece or parcel of land situate in the Township of South Abington, County of Lackawanna and State of Pennsylvania, bounded and described, as follows:

Beginning at the intersection of the center line of Township Road T-415 with the center line of Legislative Route No.365, Spur E; thence in a northeasterly direction along the center line of Legislative Route No.365, Spur E, a distance of 175 feet more or less to its intersection with the center line of Legislative Route No.365 (Traffic Route No.307); thence in a northeasterly direction along the center line of Legislative Route No.365 (Traffic Route No.307) a distance of 220 feet more or less to a corner; thence north 39 degrees 12 minutes west along line of other lands of the Commonwealth of Pennsylvania, Department of Public Welfare, a distance of 570 feet more or less to a corner of lands now or formerly of the estate of Helen S. Maness, Deceased; thence north 50 degrees 12 minutes east along line of lands of the estate of Helen S. Maness, Deceased, a distance of 1789.50 feet to a corner; thence south 38 degrees 52 minutes east along line of lands now or formerly of Fred Gabriel and others a distance of 1208.7 feet to a corner in the portion of Legislative Route No.365 known as Winola Road; thence on a chord of a curve bearing north 76 degrees 3 minutes east along said highway a distance of 533.5 feet to a corner; thence south 22 degrees 54 minutes east crossing Legislative Route No.671 known as the Morgan Highway a distance of 888.7 feet to a corner in line of lands now or formerly of the Country Club of Scranton; thence along line of lands of the Country Club of Scranton the following courses and distances: south 77 degrees 30 minutes west a distance of 931.0 feet; south 51 degrees 21 minutes

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west a distance of 860.0 feet; and south 2 degrees 43 minutes west a distance of 695 feet more or less to a point in the center line of Township Road T-415; thence in a westerly direction along the center line of the Township Road T-415 a distance of 375 feet more or less to a corner; and thence in a northwesterly direction still along the center line of Township Road T-415 a distance of 1525 feet more or less to the place of beginning, containing 100.0 acres of land, be the same more or less excepting therefrom all that certain parcel of land bounded and described as follows:

Beginning at a concrete monument located on the northerly side of Pennsylvania State Highway Route 307 (Legislative Route 671), known as the Morgan Highway, and in line of lands of now or late John I. Lance; thence along the northerly side of said highway north 80 degrees 23 minutes west 130.2 feet to a point; thence still along the northerly side of the said highway south 84 degrees 50 minutes west 371 feet to a point in line of a wire fence; thence south 84 degrees 43 minutes west 199.10 feet to a point; thence along a curve to the right having a length of 72.40 feet and a radius of 25.0 feet to a point on the southerly right-of-way line of Pennsylvania State Highway Route 6 (Legislative Route 365); thence along said right-of-way line and along a curve to the right having a radius of 3789.83 feet and in a northerly direction for a distance of 191.84 feet to a point also in the southerly right-of-way line of Pennsylvania State Highway Route 6 (Legislative Route 365); thence along said right-of-way line the following courses and distances on a curve to the right (1) north 74 degrees 15 minutes east 100 feet to a point, (2) north 74 degrees 40 minutes east 100 feet to a point, (3) north 77 degrees 5 minutes east 100 feet to a point, (4) north 78 degrees 37 minutes east 100 feet to a point, (5) south 80 degrees 41 minutes east 72.85 feet to an iron pipe at the end of a stone wall and being 30 feet south of the center line of Pennsylvania Highway Route 6 (Legislative Route 365); thence along the center of said stone wall and lands of now or formerly of John I. Lance south 22 degrees 23 minutes east 178.3 feet to the place of beginning, containing 1.82 acres of land, more or less.

Now or formerly land of Leon Kircher.

Act 261, approved August 25, 1959, authorized sale of this tract to the forgoing.

Being a portion of the lands formerly of Scranton Poor District shown on Map of Survey by the Dunning Engineering Company, dated November, 1948, recorded in Lackawanna County in Map Book 7 at Page 25.

Section 2. The conveyance shall be to the above named grantees as tenants in common, and shall be consummated and recorded only after all of the named grantees, within a period of nine months after approval of this act, have entered into and adopted a jointly binding agreement, under the provisions of the act of July 12, 1972 (P.L.762, No.180)

entitled, "An act relating to intergovernmental cooperation," establishing a Joint Advisory Board and defining its authorities and functions, for the development, operation and maintenance of the one hundred (100) acre regional recreation area, under authority of an ordinance or resolution, as appropriate, for the development, maintenance, and operation of the regional recreation area, together with facilities.

Section 3. The undivided interest of each of the above named grantees in the tract of one hundred (100) acres of land, more or less, shall be the average, rounded of two decimal places, of (i) its percentage of the total population of all of the grantee municipalities, as certified by the United States Bureau of the Census for the year of 1970, rounded to three decimal places, and (ii) its percentage of the total assessed valuation of real estate for tax purposes as established by the Lackawanna County Board of Assessment Appeals for the year in which the conveyance is recorded, round to three decimal places, the undivided interests of the grantees, so determined, to be held by them as tenants in common, as aforesaid.

Section 4. The deed of conveyance shall contain a clause providing that the lands conveyed shall be used for recreation purposes by the grantees and if at any time the said grantees convey said property or if said property is used for any purpose other than recreation purposes, the title to the said property, with any improvements, shall immediately revert to the Commonwealth of Pennsylvania, subject to such limitations, terms and conditions as may be applicable to property obtained through funds supplied under Federal programs.

Section 5. The deed of conveyance shall contain a clause providing for reasonable use of all recreation facilities by patients at Clarks Summit State Hospital, now and in the future, subject only to limitations imposed jointly by the professional staff of Clarks Summit State Hospital and the Joint Advisory Board.

Section 6. The deed of conveyance shall be approved by the Department of Justice and shall be executed by the Secretary of Property and Supplies in the name of the Commonwealth of Pennsylvania.

Section 7. This act shall take effect immediately.

December 27, 1973

Senate Bill No. 1338, Printer's No. 1638
Clarks Summit State Hospital

Mr. T. A. Sawyer, Jr.

Jack D. Gaenzle

The 100 acres described in Senate Bill No. 1338 is all of the northeastern segment of the Institution, which straddles State Route 307 and includes a seven acre lake stocked by the Institution for the use of patients. This lake also provides ample back-up water both for fire protection and domestic water supply. This tract also includes approximately 50 acres of the best farm land available at the Institution. The balance of approximately 35 acres is sparsely wooded and somewhat hilly. Also included in the subject land is a privately owned pie-shaped parcel (1.8 acres) lying in the fork of the road. (See attached sketch.)

Obviously, the Bill should be corrected to exclude the privately owned land.

We question the propriety of giving away 100 acres for \$1, while at the opposite end of the Institution 75 acres were sold to the local School District for \$5,000.

If this Bill were to become law, the Institution acreage would be approximately 524 acres.

JDG:WWT:cas
Attachment

cc: Mr. Charles N. Fendrich
Mr. William W. Tritt *[initials]*
File

WWT

CLARKS Summit. (100 AC. Tract)

rec. 6/24/1975
DBK 855 page 333

THIS INDENTURE

MADE AND ENTERED into this 19th day of December in the year of Our Lord, one thousand nine hundred and seventy-four (1974).

BETWEEN the COMMONWEALTH OF PENNSYLVANIA, acting by and through Ronald G. Lench, Secretary, Department of Property and Supplies, an administrative department of the Commonwealth of Pennsylvania, with the concurrence of the Department of Public Welfare, also an administrative department of the Commonwealth of Pennsylvania, and the approval of the Governor, herein referred to as GRANTOR:

A
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the TOWNSHIPS OF ABINGTON, GLENBURN, and SOUTH ABINGTON, and the BOROUGHS of CLARKS GREEN and CLARKS SUMMIT, as tenants in common, herein referred to as GRANTEES.

WHEREAS, under authority of Act Number 131, approved June 27, 1974, the Department of Property and Supplies, with the concurrence of the Department of Public Welfare, and approval of the Governor, is authorized to convey to GRANTEES for a consideration of one (\$1.00) dollar, the tract of land described herein.

AND WHEREAS, the GRANTEES have entered into and adopted a jointly binding agreement, dated _____, pursuant to the provisions of the Act of July 12, 1972 (P.L. 762, No. 180) entitled "An Act Relating To Inter Governmental Cooperation."

NOW, THEREFORE, THIS INDENTURE WITNESSETH in consideration of the sum of one (\$1.00) dollar, receipt of which is acknowledged by the GRANTOR, GRANTOR has conveyed and by these presents does convey unto GRANTEES, its successors and assigns, ALL THAT CERTAIN tract or

parcel of land situate in the Township of South Abington, County of Lackawanna and State of Pennsylvania, bounded and described as follows:

BEGINNING at the intersection of the center line of Township Road T-415 with the center line of Legislative Route No. 365, Spur E; thence in a Northeasterly direction along the center line of Legislative Route No. 365, Spur E, a distance of 175 feet more or less to its intersection with the center line of Legislative Route No. 365, (Traffic Route No. 307); thence in a Northeasterly direction along the center line of Legislative Route No. 365 (Traffic Route No. 307) a distance of 220 feet more or less to a corner; thence north 39 degrees 12 minutes west along line of other lands of the Commonwealth of Pennsylvania, Department of Public Welfare, a distance of 570 feet more or less to a corner of lands now or formerly of the Estate of Helen S. Maness, Deceased; thence north 50 degrees 12 minutes east along line of lands of the Estate of Helen S. Maness, Deceased, a distance of 1789.50 feet to a corner; thence south 38 degrees 52 minutes east along line of lands now or formerly of Fred Gabriel and others a distance of 1208.7 feet to a corner in the portion of Legislative Route No. 365 known as Winola Road; thence on a chord of a curve bearing north 76 degrees 3 minutes east along said highway a distance of 533.5 feet to a corner; thence south 22 degrees 54 minutes east crossing Legislative Route No. 671 known as the Morgan Highway a distance of 888.7 feet to a corner in line of lands now or formerly of the Country Club of Scranton; thence along line of lands of the Country Club of Scranton the following courses and distances: south 77 degrees 30 minutes west a distance of 931.0 feet; south 51 degrees 21 minutes west a distance of 860.0 feet; and south 2 degrees 43 minutes west a distance of 695 feet more or less to a point in the center line of Township Road T-415; thence in a westerly direction along the center line of the Township Road T-415 a distance of 375 feet more or less to a corner; and thence in a northwesterly direction still along the center line of Township Road T-415 a distance of 1525 feet more or less to the place of BEGINNING, containing 100.0 acres of land, be the same more or less.

The undivided interest of each of the above GRANTEES in the tract of 100.0 acres of land, more or less, described above, shall be the average, rounded to two decimal places, of (i) its percent-

age of the total population of all of the grantee municipalities, as certified by the United States Bureau of Census in the year of 1970, rounded to three decimal places, and (ii) its percentage of the total assessed valuation of real estate for tax purposes as established by the Lackawanna County Board of Assessment Appeals for the year in which the conveyance is recorded, rounded to three decimal places, the undivided interests to be held as tenants in common, as aforesaid.

This conveyance shall be made subject to the condition that it be used for recreation purposes by the GRANTEES, and if at any time the said GRANTEES convey said property, or if said property is used for any purpose other than recreation purposes, the title to the said property, with any improvements, shall immediately revert to the Commonwealth of Pennsylvania, subject to such limitations, terms and conditions as may be applicable to property obtained through funds supplied under Federal programs.

This conveyance is further conditioned upon GRANTEES providing for reasonable use of all recreational facilities by patients of Clarks Summit State Hospital, now and in the future, subject only to limitations imposed jointly by the professional staff of Clarks Summit State Hospital and the Joint Advisory Board.

COMMONWEALTH OF PENNSYLVANIA :

SS:

COUNTY OF DAUPHIN :

On this, the _____ day of _____, 1974, before me the subscriber, a Notary Public, in and for said County and Commonwealth, personally appeared Ronald G. Lench, Secretary of the Department of Property and Supplies of the Commonwealth of Pennsylvania, personally known to me, and who in due form of law acknowledged the above indenture to be his act and deed, as Secretary of the Department of Property and Supplies, and the act and deed of his constituent, the Commonwealth of Pennsylvania, and desired that the same might be recorded as such.

WITNESS my hand and official seal the day and year first above written.

/s/ Karen A. Vogelsohn
Notary Public

My Commission Expires:

CERTIFICATE OF RESIDENCE

I hereby certify that the principal office or place of doing
business of the within named Grantees is:

Attorney for Grantees

RECORDED at Scranton, Pennsylvania, in the Office of the Re-
corder of Deeds in and for the County of Lackawanna, Commonwealth of
Pennsylvania, in Deed Book _____, Volume _____, page _____.

Witness my hand and official seal of office this _____ day of _____
, 1974.

Recorder of Deeds