

No. 1988-5

AN ACT

SB 1073

Authorizing and directing the Department of General Services, with the approval of the Governor, to convey to Chester County a tract of land situate in Newlin Township, Chester County, Pennsylvania.

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

Section 1. The Department of General Services, with the approval of the Governor, is hereby authorized and directed on behalf of the Commonwealth of Pennsylvania to grant and convey to Chester County, for a consideration of \$1, the following tract of land situate in Newlin Township, Chester County, Pennsylvania, bounded and described as follows:

ALL THAT CERTAIN tract of unimproved ground, situate on the south side of Embreeville Road, Pa. Route 162 in Newlin Township, County of Chester, Commonwealth of Pennsylvania, according to a survey by N.M. Lake & Associates, Inc., Civil Engineers and Land Surveyors, Oxford, Pa., being Parcel "A" on Plan No. 86102 dated 11/1/86 and described as follows:

BEGINNING at a point set in the centerline of Embreeville Road marking a corner of this and a corner of land of Richard H. Manganard; thence along said centerline of Embreeville Road (1) by a line curving to the right having a radius of 2200 feet an arc length of 177.53 feet and a chord of South 88 degrees 47 minutes 50 seconds East 177.48 feet to a point marking a corner of this and the northwest corner of a Water Treatment Plant owned by the Commonwealth of Pennsylvania; thence leaving said centerline of Embreeville Road and along said land of the Commonwealth of Pennsylvania Water Treatment Plant the following 3 courses and distances: (2) South 29 degrees 50 minutes 21 seconds East 186.09 feet to a point set in the northerly side of West Branch of the Brandywine Creek; thence leaving the said West Branch of the Brandywine Creek (3) North 52 degrees 38 minutes 58 seconds East 186.55 feet to an iron pin set marking the southeast corner of said land of the Commonwealth of Pennsylvania Water Treatment Plant; thence (4) North 36 degrees 57 minutes 30 seconds West 129.54 feet to a point set in the aforementioned centerline of Embreeville Road; thence along said centerline of Embreeville Road the following 5 courses and distances: (5) North 57 degrees 19 minutes 46 seconds East 784.95 feet to a point; thence (6) by a line curving to the right having a radius of 270 feet an arc length of 150.01 feet and a chord of North 73 degrees 14 minutes 52 seconds East 148.09 feet to a point; thence (7) by a line curving to the left having a radius of 1100 feet an arc length of 192.23 feet and a chord of North 84 degrees 09 minutes 29 seconds East 191.99 feet to a point; thence (8) by a line curving to the right having a radius of 1400 feet an arc length of 199.73 feet and a chord

of North 83 degrees 14 minutes 17 seconds East 199.56 to a point; thence (9) North 87 degrees 19 minutes 34 seconds East 205.91 feet to a p.k. nail set marking a corner of this and the northwest corner of a Sewage Disposal Plant owned by the Commonwealth of Pennsylvania; thence leaving said centerline of Embreeville Road and along said land of the Commonwealth of Pennsylvania Sewage Disposal Plant the following 3 courses and distances: (10) South 01 degree 50 minutes 41 seconds East 645.59 feet to an iron pin set; thence (11) North 87 degrees 56 minutes 24 seconds East 299.50 feet to an iron pin set; thence (12) North 01 degree 50 minutes 43 seconds West 648.13 feet to a p.k. nail set in the centerline of said Embreeville Road; thence along said centerline of Embreeville Road; (13) by a line curving to the right having a radius of 1000 feet an arc length of 184.00 feet and a chord of South 85 degrees 18 minutes 04 seconds East 183.74 feet to a point marking a corner of this and a corner of land of Parcel "B" on said plan; thence leaving said centerline of Embreeville Road and along said land of Parcel "B" the following 6 courses and distances: (14) South 01 degree 41 minutes 19 seconds East 985.57 feet to a point; thence (15) North 86 degrees 56 minutes 19 seconds West crossing over an outfall pipe for aforementioned Sewage Disposal Plant 476.84 feet to a point; thence (16) South 03 degrees 03 minutes 40 seconds West 1171.50 feet to a point set in the aforementioned West Branch of the Brandywine Creek; thence continuing along said land of Parcel "B" and along said West Branch of the Brandywine Creek (17) South 53 degrees 50 minutes 17 seconds East 214.51 feet to a point; thence (18) North 85 degrees 54 minutes 47 seconds East 125.39 feet to a point; thence (19) South 08 degrees 09 minutes 10 seconds West leaving said Creek 52.80 feet to a concrete monument found on the south side of said Creek and on the north side of the Reading Railroad R/W marking a corner of this and the northeast corner of land of Buck and Doe Valley Farms Company; thence through said Reading Railroad Right of Way and along said lands of Buck and Doe Valley Farms Co. (20) South 63 degrees 54 minutes 52 seconds West 264.07 feet to a 1 inch square iron pin marking a corner of this and a corner of said Buck and Doe Valley Farms Co.; thence leaving said Reading Railroad Right of Way and along said land of Buck and Doe Valley Farms Co. the following 7 courses and distances: (21) South 03 degrees 39 minutes 40 seconds West crossing over a Philadelphia Electric Power Company Right of Way 1899.05 feet to a concrete monument found marking the southeast corner of this; thence (22) South 74 degrees 25 minutes 00 seconds West 234.79 feet to a concrete monument found; thence (23) North 14 degrees 55 minutes 56 seconds West 303.33 feet to a concrete monument found; thence (24) North 03 degrees 19 minutes 48 seconds West 228.59 feet to a concrete monument found; thence (25) South 79 degrees 17 minutes 39 seconds West re-entering the said Philadelphia Electric Power Company Right of Way 1355.58 feet to a concrete monument found; thence (26) North 14 degrees 11 minutes 04 seconds West leaving said Philadelphia Electric Power Company Right of Way 275.06 feet to a concrete monument found; thence (27) North 65 degrees 58 minutes 03 seconds West 207.47 feet to a concrete monument found marking a corner of this, a corner of land of Buck and Doe Valley

Farms Company and set in line of land of Wilson B. Jr. and Ann H. Reynolds; thence along said land of Reynolds the following 3 courses and distances: (28) North 15 degrees 05 minutes 15 seconds West 107.27 feet to a concrete monument found; thence (29) South 66 degrees 11 minutes 39 seconds West 32.00 feet to a concrete monument found; thence (30) North 41 degrees 56 minutes 13 seconds West 285.59 feet to a concrete monument found marking a corner of this and the southwest corner of land of Ruth Hammond; thence along said land of Hammond the following 3 courses and distances: (31) North 72 degrees 48 minutes 39 seconds East 127.03 feet to an iron pin set; thence (32) North 12 degrees 54 minutes 35 seconds West 508.20 feet to an iron pin set in the centerline of the aforementioned Reading Railroad Right of Way; thence continuing by land of Hammond and along said centerline of Reading Railroad Right of Way (33) South 79 degrees 46 minutes 25 seconds West 163.68 feet to a p.k. nail found marking a corner of this and the southeast corner of land of John A. O'Neal; thence leaving said Reading Railroad Right of Way and along said land of O'Neal (34) North 03 degrees 17 minutes 47 seconds West 496.68 feet to an iron pin set marking a corner of this, a corner of said land of O'Neal and the southeast corner of land of Parcel "C" on said plan; thence along said land of Parcel "C" (35) North 01 degree 13 minutes 40 seconds East 1479.60 feet to a point set in the aforementioned West Branch of the Brandywine Creek marking a corner of this and a corner of land of the aforementioned Richard H. Manganard; thence along said land of Manganard the following 3 courses and distances: (36) North 72 degrees 14 minutes 10 seconds East through the bed of the West Branch of the Brandywine Creek 684.65 feet to a point, being a corner of this and the southeast corner of said land of Richard H. Manganard; thence (37) North 04 degrees 57 minutes 49 seconds East 48.50 feet to a point on the northerly side of said Creek; thence leaving the West Branch of the Brandywine Creek (38) North 02 degrees 12 minutes 49 seconds East 145.13 feet to the point and place of beginning.

CONTAINING 198.44 Acres.

BEING part of the same premises which the County Commissioners of Chester County, by Indenture bearing date the 23rd day of July, A.D., 1946 and duly recorded at West Chester in the Office for the Recording of Deeds, in and for the County of Chester in Deed Book S-21, page 533, granted and conveyed unto the Commonwealth of Pennsylvania, in fee.

AND BEING part of the same premises which Alfred Z. Haines and Rebecca S. Haines, his wife, by Indenture bearing date the 8th day of May, A.D., 1950 and duly recorded at West Chester, as aforesaid, in Deed Book Q-23, page 158, and conveyed unto the Commonwealth of Pennsylvania, in fee.

EXCEPTING throughout and therefrom, ALL THAT CERTAIN cemetery, lot or piece of ground as shown on the above mentioned plan and described as follows, to wit:

BEGINNING at a point set on the south side of the Reading Railroad, approximately 2400 feet east of its intersection with Pa. Route 162 Embreeville Road; thence the following 4 courses and distances: (1) North 79

degrees 44 minutes 02 seconds East 156.78 feet to a point marking the northeast corner of this; thence (2) South 21 degrees 55 minutes 33 seconds East 138.46 feet to a point marking the southeast corner of this; thence (3) South 80 degrees 52 minutes 24 seconds West 171.87 feet to a point marking the southwest corner of this; thence (4) North 15 degrees 51 minutes 00 seconds West 132.82 feet to the point and place of beginning.

CONTAINING 21,965 square feet.

RESERVING unto the Grantor, its successors and assigns, the free and common use, right, liberty and privilege of ingress, egress and regress over and through a Stone Arch Bridge and an existing unimproved access lane leading in a southerly direction from the Embreeville Road to the above described cemetery, at all times hereafter forever.

ALSO RESERVING unto the Grantor, its successors and assigns, the right of ingress, egress and regress over and through the premises herein conveyed for the purpose of repairing, replacing and maintaining a certain 12 inch diameter outfall pipe extending from the sewage disposal plant owned by the grantor in a southerly direction to the Brandywine Creek, as well as to any other existing utility structures.

UNDER AND SUBJECT to a certain right of way granted to the Philadelphia Electric Power Company in Miscellaneous Deed Book 49, page 199, and further to the rights granted to Reading Railroad in Miscellaneous Deed Book 13, page 453.

Section 2. The conveyance shall be made under and subject to all easements, servitudes and rights of others, including, but not confined to, streets, roadways and rights of telephone, telegraph, water, electric, sewer, gas or pipeline companies, as well as under and subject to any interest, estates or tenancies vested in third persons, whether or not appearing of record, for any portion of the land or improvements erected thereon.

Section 3. The deed of conveyance shall contain a clause that the lands conveyed shall be used for park, open space or conservancy purposes and that if at any time Chester County or its successor in function conveys the property or authorizes or permits the property to be used for any purpose other than for park, open space or conservancy purposes, the title thereto shall immediately revert to and revest in the Commonwealth of Pennsylvania.

Section 4. The deed of conveyance shall be approved as provided by law and shall be executed by the Secretary of General Services in the name of the Commonwealth of Pennsylvania.

Section 5. Costs and fees incidental to this conveyance shall be borne by the grantee.

Section 6. This act shall take effect immediately.

APPROVED—The 15th day of January, A. D. 1988.

ROBERT P. CASEY