

No. 1994-121

AN ACT

HB 2348

Authorizing the release of Project 500 restrictions imposed on certain lands owned by the Borough of Grove City, Mercer County; and authorizing and directing the Department of General Services, with the approval of the Governor, to convey to the Borough of Somerset two tracts of land, and the water tanks thereon, situate in Somerset Township, Somerset County, Pennsylvania.

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

Section 1. Land in Mercer County.

(a) Conveyance.—The following described parcels of land situated in the Borough of Grove City, Mercer County, are hereby released from any restrictions imposed under provisions of the act of January 19, 1968 (1967 P.L.996, No.443), known as The Land and Water Conservation and Reclamation Act.

PARCEL NO. 1

Beginning at a point at the northeast corner of formerly the Wesley McDowell lot; thence south 79 degrees 30 minutes east 30 feet by the south line of a ten-foot alley to the northwest corner of the State Armory lot; thence south 11 degrees west 150 feet by the west line of said Armory lot to the north line of Erie Street; thence north 79 degrees 30 minutes west 30 feet by the north line of Erie Street to the said McDowell lot; thence north 11 degrees east 150 feet to the place of beginning.

Containing .1 acre more or less.

PARCEL NO. 2

Commencing at the northwest corner on the south side of an alley; thence south 81 degrees 30 minutes east 62 feet by said alley; thence south 8 degrees 30 minutes west 150 feet; thence north 81 degrees 30 minutes west 62 feet by the north side of Erie Avenue; thence north 8 degrees 30 minutes east 150 feet to the place of beginning.

Containing .2 acres more or less.

(b) Consideration.—The Borough of Grove City shall, for release of the Project 500 restrictions from the land described in subsection (a), deposit the sum of \$40,000 into a special account established for development of outdoor recreation facilities at Memorial Park or Hunter Farm Tract, or both. No funds shall be dispensed from this special account until a plan is prepared for use of the funds by the Borough of Grove City and such plan has been approved by the Department of Community Affairs. Any funds remaining in the special account after five years from the effective date of this act shall be paid to the Commonwealth.

Section 2. Land in Somerset County.

(a) Conveyance.—The Department of General Services, with the approval of the Governor, is hereby authorized and directed on behalf of the Commonwealth of Pennsylvania to convey to the Borough of Somerset the following tracts of land situate in Somerset Township, Somerset County, Pennsylvania, for a consideration of one-half of the fair market value, the following:

Tract No. 1

All that certain piece or parcel of land situate in Somerset Township, Somerset County, Pennsylvania, more particularly bounded and described as follows:

Beginning at an iron pin set in the boundary line of lands of the Commonwealth of Pennsylvania at the southern right-of-way line at State Route 31;

Thence along the southern right-of-way line for State Route 31, by the arc of a circle curving to the right, having a radius of 1885.08 feet, an arc length of 143.11 feet and a chord bearing of south 67 degrees 15 minutes 31 seconds east having a distance of 143.07 feet to a set rebar;

Thence by the same, south 65 degrees 5 minutes 1 second east 131.59 to a set rebar, common corner of lands of Robert E. and Naomi J. Sheeler;

Thence by lands of Robert E. and Naomi J. Sheeler south 55 degrees 48 minutes 18 seconds west 196.04 feet to a set rebar at lands of the Commonwealth of Pennsylvania, recorded in Deed Book Volume 469, Page 355;

Thence by lands of the Commonwealth of Pennsylvania, north 21 degrees 58 minutes 30 seconds west 238.23 feet to the place of beginning. Containing 0.535 acres as shown on a survey performed by the Neilan Engineers Division of the EADS Group.

Containing 0.535 acres, more or less.

Being the same parcel of land conveyed to the Somerset County Commissioners by deed dated May 28, 1918, recorded in Deed Book Volume 195, Page 596.

Tract No. 2

All that certain tract or parcel of land situate in Somerset Township, Somerset County, Pennsylvania, more particularly bounded and described as follows:

Beginning at an iron pin set in the southern right-of-way line for State Route 31, at a corner of lands now or formerly of the County of Somerset, recorded in D.B.V. 195 at Page 596; thence along the boundary of the County of Somerset parcel and along lands now or formerly of Robert E. and Naomi J. Sheeler, south 21 degrees 58 minutes 30 seconds east 364.79 feet to a point;

Thence through lands of the Commonwealth of Pennsylvania of which the herein described parcel is a part, north 64 degrees 32 minutes 58 seconds west 217.57 feet to a point;

Thence through the same, by the arc of a circle curving to the right, having a radius of 160 feet, an arc distance of 164.41 feet, having a chord bearing of north 35 degrees 6 minutes 42 seconds west and a chord distance of 157.27 feet to a point;

Thence by the same, north 5 degrees 40 minutes 27 seconds west a distance of 171.79 feet to a point on the southern right-of-way line of State Route 31;

Thence by the southern right-of-way line of S.R. 31, south 73 degrees 11 minutes 1 second east 52.81 feet to a point;

Thence by the same, by the arc of a circle curving to the right, having a radius of 1885.08 feet, an arc distance of 123.37 feet, having a chord bearing of south 71 degrees 18 minutes 30 seconds east and a chord distance of 123.35 feet to the place of beginning.

Containing 1.331 acres, more or less.

Being a part of those lands conveyed to the Commonwealth of Pennsylvania on June 3, 1953, recorded in the Deed Book Volume 469, Page 359, in the deed records of Somerset County.

(b) Restrictions.—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 any 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.

(c) Reverter clause.—The deed of conveyance shall contain a clause that the property conveyed shall be used for municipal purposes by the Borough of Somerset, and, if at any time the Borough of Somerset or its successor in function conveys the property or permits the property to be used for any purpose other than those specified in this section, the title to the property shall immediately revert to and revest in the Commonwealth of Pennsylvania.

(d) Conveyance to include water tanks on land.—The deed of conveyance shall contain a clause that the water tanks of Somerset State Hospital, situated on the tract, shall be included in the conveyance.

(e) Execution of deed.—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.

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

Section 3. Effective date.

This act shall take effect immediately.

APPROVED—The 7th day of December, A.D. 1994.

ROBERT P. CASEY