

No. 2002-216

## AN ACT

SB 1453

Authorizing the Department of General Services, with the approval of the Department of Transportation and the Governor, to grant and convey to the West Chester Area School District certain lands in West Goshen Township, Chester County; and authorizing the release of Project 500 restrictions imposed on certain land owned by the Borough of Royalton, Dauphin County, and imposing Project 500 restrictions on other land owned by the Borough of Royalton, Dauphin County.

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

**Section 1. Conveyance in West Goshen Township, Chester County.**

(a) **Authorization.**—The Department of General Services, with the approval of the Department of Transportation and the Governor, is hereby authorized on behalf of the Commonwealth of Pennsylvania to grant and convey to the West Chester Area School District, the Department of Transportation's Chester County Maintenance Facility, land and buildings described in subsection (b) for fair market value as determined by independent appraisal.

(b) **Legal description of land.**—The property to be conveyed pursuant to this section consists of the Department of Transportation's Chester County Maintenance Facility, bounded and more particularly described as all that certain piece or parcel of land in West Goshen Township, Chester County, Pennsylvania, bounded and described as follows:

**PARCEL 1**

**BEGINNING** at a point, an iron pipe, in the lands of Edward Haley and Thomas F. Haley (Deceased) on the production of the north building line of Biddle Street, said point being 16.11 feet in an easterly direction from a brass plug in the concrete roadway of State Highway Application 7326; thence along said State Highway Application N. 23 degrees W. a distance of 330.31 feet to an iron pipe, the corner of lands of Edward Haley and Thomas F. Haley (Deceased) and the West Chester Nursery Company; said iron pipe being 16.11 feet in an easterly direction from a brass plug in the concrete roadway of State Highway Application 7326; thence by the lands of Edward Haley and Thomas F. Haley, (Deceased) and the West Chester Nursery Company N. 67 degrees E. a distance of 534.00 feet to a concrete monument in the line of lands of Hannah Parker; thence by the lands of Edward Haley, and Thomas F. Haley (Deceased) and Hannah Parker S. 26 degrees 52 minutes 42 seconds E. a distance of 131.13 feet to a point; thence by the lands of Edward Haley and Thomas F. Haley (Deceased) and George H. Kelling S. 26 degrees 52 minutes 42 seconds E. a distance of 59 feet to a point; thence thru the lands of Edward Haley and Thomas F. Haley

(Deceased) S. 26 degrees 52 minutes 42 seconds E. a distance of 52.00 feet to an iron pipe; thence continuing thru the lands of Edward Haley and Thomas F. Haley (Deceased) S. 22 degrees 05 minutes E. a distance of 86.07 feet, to an iron pipe on the production of the North Building Line of Biddle Street; thence along the production of the north building line of Biddle Street, thru the lands of Edward Haley and Thomas F. Haley (Deceased) S. 66 degrees 44 minutes W. a distance of 542.00 feet to the point of BEGINNING.

Containing 4.110 acres, be the same more or less.

PARCEL 2

TRACT 1 - BEGINNING at an iron pipe on the easterly side of Montgomery Avenue, State Application 7326, said pipe being on the legal right of way line and on the line dividing the lands of Edward D. Haley and the Commonwealth of Pennsylvania, Department of Highways; thence along lands of the said Commonwealth of Pennsylvania, Department of Highways, North sixty six degrees, forty four minutes East, a distance of five hundred forty nine (549.00) feet to an iron pipe in the line of lands of E. Duie Pyle South twenty two degrees, five minutes East, a distance of one hundred fifty six and thirty hundredths (156.30) feet to an iron pipe; thence South sixty seven degrees West, a distance of five hundred forty six and fifty hundredths (546.50) feet to an iron pipe on the easterly side of said Montgomery Avenue, State Aid Application 7326; thence along the legal right of way line of said Montgomery Avenue, State Aid Application 7326, North twenty three degrees West, a distance of one hundred fifty three and forty four hundredths (153.44) feet to the point of BEGINNING and containing one and nine thousand four hundred fifty four ten thousandths (1.9454) acres more or less, with the privilege of entering upon adjoining land to clean the aforesaid ditch and subject to the privilege to the owners of adjoining land through which the said ditch passes of entering upon the lots hereby granted and cleaning the said ditch whenever it may become obstructed.

TRACT 2 - BEGINNING at an iron pipe on the easterly side of Montgomery Avenue, State Aid Application 7326, said pipe being on the legal right of way line and the line of lands of Edward D. Haley; thence North sixty seven degrees East, a distance of five hundred forty six and fifty hundredths (546.50) feet to an iron pipe in line of lands of E. Duie Pyle; thence along the lands of E. Duie Pyle South seventeen degrees forty four minutes East, a distance of eighteen and ninety nine hundredths (18.99) feet to an iron pipe in the line of lands of the West Chester Paper Box Company, Inc.; thence along the lands of said West Chester Paper Box Company Inc. and Edward D. Haley South sixty seven degrees, six minutes, thirty seconds West, a distance of five hundred forty five (545.00) feet to an iron pipe on the easterly side of said Montgomery Avenue, State Aid Application 7326; thence along the legal right of way line of said Montgomery Avenue, State Aid Application 7326, North twenty three degrees West, a distance of

seventeen and eighty eight hundredths (17.88) feet to the point of BEGINNING and containing two thousand two hundred forty one ten thousandths (0.2241) acres more or less, with the privilege of entering upon adjoining land to clean the aforesaid ditch and subject to the privilege to the owners of adjoining land through which the said ditch passes of entering upon the lots hereby granted and cleaning said ditch whenever it may become obstructed.

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

(d) Deed.—The deed of conveyance shall be by special warranty deed and shall be executed by the Secretary of General Services in the name of the Commonwealth of Pennsylvania.

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

(f) Deposit of proceeds.—The proceeds from the sale shall be deposited in the Motor License Fund to pay for costs and fees incurred for a new Chester County Maintenance Facility as well as the costs and fees incurred by the Department of General Services as authorized under section 2406-A of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929.

(g) Alternate disposition.—In the event that this conveyance is not executed within 12 months of the effective date of this act, the property may be disposed of in accordance with section 2406-A of The Administrative Code of 1929. The proceeds from the sale shall be deposited in accordance with subsection (f).

## Section 2. Borough of Royalton.

(a) Authorization to release restrictions.—The land described in subsection (b) is hereby released from any restrictions or encumbrances on the title resulting from the provisions of the act of January 19, 1968 (1967 P.L.996, No.443), known as The Land and Water Conservation and Reclamation Act, in exchange for the imposition of the Land and Water Conservation and Reclamation Act provisions on land owned by the Borough of Royalton and described in subsection (c).

(b) Description of land to be released of restrictions.—All that certain parcel of land located in the Borough of Royalton, Dauphin County, Pennsylvania, bounded and described as follows:

Beginning at a monument on the southerly side of Canal Street; thence south 10 degrees 03 minutes west along the easterly side of a private road, 123.55 feet to a spike; thence south 79 degrees 50 minutes west 100 feet to a spike in the easterly line of lands, now or late, of Margaret Ellen Kerr

Beckley; thence north 12 degrees 42 minutes east 97.46 feet to a spike in the southerly line of Canal Street; thence along the southern line of said Canal Street, north 75 degrees 50 minutes east 45.51 feet to a spike; thence still along the southerly line of said Canal Street, south 07 degrees 40 minutes east, 54.50 feet to a monument, the place of beginning.

Being the same premises which Kenneth P. Dudley and Doris M. Dudley, his wife, by Deed dated August 7, 1984, and recorded in the Office of Recorder of Deeds, Dauphin County, Pennsylvania, in Record Book 526, at page 252, granted and conveyed to the Borough of Royalton. And being also Tract 2 upon which the Borough of Royalton by deed dated September 26, 1988, and recorded in the Office of Recorder of Deeds, Dauphin County, Pennsylvania, in Record Book 1179, at page 363, previously imposed the restriction that the said Tract 2 be used for municipal park, recreation and open space purposes as defined in the Land and Water Conservation and Reclamation Act.

(c) Description of land to be restricted.—All of that certain portion of land in the Borough of Royalton, Dauphin County, Pennsylvania, bounded and described as follows:

Beginning at a point at the intersection of the northern right-of-way line of Burd Street (50' wide) with the eastern line of lands now or formerly of Amtrak, said point also being at the southwest corner of the herein described Lot No. 2; thence, along the aforementioned lands of Amtrak, and along the western side of a 10 feet wide drainage easement, North 19 degrees 32 minutes 24 seconds West, 143.21 feet to a concrete monument (set); thence, along Lot No. 1, as shown on the above referenced plan, South 84 degrees 30 minutes 00 seconds East, 142.39 feet to a concrete monument (set); thence, continuing along the aforementioned Lot No. 1, along the western side of a 25 feet wide access and utility easement, South 05 degrees 30 minutes 00 seconds West, 129.75 feet to a 3/4 inch rebar with cap (set) at the northern right-of-way line of the aforementioned Burd Street; thence, along said right-of-way line and along the southern side of the aforementioned drainage easement, North 84 degrees 30 minutes 00 seconds West, 81.77 feet to the Point of Beginning, containing 14,542.6 square feet or 0.3339 acres. Identified as "Lot No. 2", on a plan titled, "Final Subdivision Plan for Borough of Royalton", prepared by Light-Heigel & Associates, Inc., dated July 26, 2002, Job Number 02-0372, recorded in the Office of Recorder of Deeds, Dauphin County, Pennsylvania, in Plan Book I, Volume 8, at Page 95, and being a portion of the piece or parcel of land which the Middletown Area School District by deed dated June 25, 2001, and recorded in the Office of Recorder of Deeds, Dauphin County, Pennsylvania, in Record Book 4042, at page 492 granted and conveyed to the Borough of Royalton. Together with the right of ingress, egress, and regress, from Burd Street, over and across a 25 feet wide access and utility easement over lands granted and conveyed to the Borough of Royalton by the aforesaid deed of June 25, 2001, said easement being set forth on the

aforesaid Final Subdivision Plan, and said easement being further described as follows: Beginning at a 3/4 inch rebar with cap (set) on the northern right-of-way line of Burd Street (50' wide) in the Borough of Royalton, Dauphin County, Pennsylvania, said rebar being at the southeast corner of Lot No. 2, at a corner common to lands now or formerly of the Borough of Royalton (Lot No. 1) as shown on the above referenced plan, said point also being at the southwest corner of the herein described Proposed 25 feet Wide Access and Utility Easement on the above referenced plan; thence, along the aforementioned Lot No. 2, North 05 degrees 30 minutes 00 seconds East, 129.75 feet to a concrete monument (set); thence, through the aforementioned lands of the Borough of Royalton, South 84 degrees, 30 minutes, 00 seconds East, 25.00 feet to a point, thence, along lands now or formerly of Michael S. Richards, described in Deed Book 2429, at Page 110, South 05 degrees 30 minutes 00 seconds West, 129.75 to a pin (found) on the northern right-of-way line of the aforementioned Burd Street; thence, along said right-of-way line, North 84 degrees 30 minutes 00 seconds West, 25.00 feet to the Point of the Beginning.

(d) Authorization to impose restrictions.—The following restriction shall be added to the deed for the land described in subsection (c):

This land is to be used for municipal park, recreation and open space purposes as defined in The Land and Water Conservation and Reclamation Act.

(e) Special account.—Further, in consideration for releasing the restrictions on the property described in subsection (b), the borough shall place in a special account of the borough an amount of money equal to the fair market value of this property. For purposes of this section, the fair market value has been determined to be \$16,500. Within five years of the effective date of this section, this money shall be used exclusively to make improvements to existing borough-owned parks and playgrounds in accordance with a plan approved by the Department of Conservation and Natural Resources, Bureau of Recreation and Conservation.

Section 3. Effective date.

This act shall take effect immediately.

APPROVED—The 9th day of December, A.D. 2002.

MARK S. SCHWEIKER