

Service of scire
facias.

and the redemption of the property therefrom; for the lien and collection of certain taxes heretofore assessed, and of claims for municipal improvements made and nuisances removed, within six months before the passage of this act; and for the procedure on tax and municipal claims filed under other and prior acts of Assembly," is hereby amended to read as follows:

Return of nihil
habet.

Section 22. Said writ of scire facias shall be served, and the proceedings thereon shall be conducted, as to persons who are found by the sheriff, in the manner hereinbefore provided for the original scire facias sur claim; but, in any and all events, [two returns] *a return* of nihil habet to the writs to revive shall be equivalent to personal service upon the defendants. The practice and procedure following said scire facias to revive, so far as applicable, shall be the same as in the case of the original scire facias to collect the claim.

Procedure.

APPROVED—The 24th day of April, A. D. 1931.

GIFFORD PINCHOT

No. 49

AN ACT

Authorizing the Secretary of Property and Supplies of the Commonwealth of Pennsylvania, with the approval of the Governor, to convey certain land, in the Borough of Kutztown, to the Borough of Kutztown.

Preamble.

Whereas, The Commonwealth of Pennsylvania is the owner of certain land in the Borough of Kutztown, County of Berks, and State of Pennsylvania; and

Whereas, The land hereinabove referred to and hereafter described is in the custody and under the management of the Board of Trustees of Kutztown State Teachers College, formerly the Kutztown State Normal School; and

Whereas, The Borough of Kutztown is desirous of acquiring from the Commonwealth of Pennsylvania certain land, hereafter more particularly described, for the purpose of widening a street at the extreme upper end of the town, which now divides the town property from the teachers college property; and

Whereas, The Borough of Kutztown, by unanimous vote, at a regular meeting held by said council on the fifth day of January, nineteen hundred and thirty-one, adopted the following resolution, and spread the same upon the minutes thereof of the same date:

"Whereas, The borough council of the Borough of Kutztown desires the Commonwealth of Pennsylvania to donate a certain strip of ground, along what is now

known as Poplar Street, for the improving and widening of said street; be it

“Resolved, That the borough engineer be instructed to make the necessary survey and draft, giving description of land to be conveyed; and be it further

“Resolved, That the borough council of the Borough of Kutztown agrees to assume all responsibility for the widening and paving of street as and when the conveyance shall have been made by the Commonwealth of Pennsylvania. Improved street is then to be known as College Boulevard.”

Section I. Be it enacted, &c., That the Secretary of Property and Supplies of the Commonwealth of Pennsylvania, with the approval of the Governor of the Commonwealth of Pennsylvania, be and he is hereby authorized and empowered to release and grant, on behalf of the Commonwealth of Pennsylvania, to the Borough of Kutztown, for public use and street purposes, all that certain piece, parcel or tract of land situate in the Borough of Kutztown, Berks County, Pennsylvania, bounded and described as follows, to wit:

Conveyance of land in Borough of Kutztown authorized.

Uses and purposes.

Beginning at a stone monument in the center of Main Street, Kutztown, Pa., at the western boundary of said borough, thence, along said borough property, north, twenty-eight degrees and four minutes west, seven hundred sixty-four and two tenth feet to a point; thence, still along the same, north, twenty-seven degrees and twenty-six minutes west, twelve hundred fifty-nine feet to a point; thence, along property of Wilson B. Kutz, south, sixty-two degrees and thirty-four minutes west, forty-three and five tenth feet to a point; thence, along other property of the Commonwealth of Pennsylvania, south, twenty-seven degrees and twenty-six minutes east, twelve hundred fifty-nine and twenty-five hundredth feet to a point; thence, along the same, south, twenty-eight degrees and four minutes east, seven hundred fifteen feet to a point; thence in a curve at the northwest corner of the intersection of the proposed College Boulevard and the William Penn Highway, said curve having a central angle of sixty-eight degrees and forty-five minutes and a radius of fifty feet, and the distance around said curve, sixty feet; thence, across said William Penn Highway, south, three degrees and fifty-four minutes east, eighty-five and forty-eight hundredth feet to a point; thence in a curve at the south-west corner of the intersection of said proposed College Boulevard and William Penn Highway, said curve having a central angle of one hundred and ten degrees and thirty-eight minutes and a radius of fifty feet, and the distance around said curve, ninety-six and sixty-nine hundredth feet to a point; thence south, twenty-eight degrees and thirty-one minutes east, one

Description of land.

hundred seventy-two and ninety-one hundredth feet to a point; thence north, sixty-one degrees twenty-nine minutes east, forty-three and five-tenth feet to a point, in line of property of C. W. Miller; thence, along the same, north, twenty-eight degrees and thirty-one minutes west, two hundred ninety-four feet to the point or place of beginning.

It being a part of the same premises which the Keystone Normal School conveyed to the Commonwealth of Pennsylvania by deed, dated May twenty-one, nineteen hundred and seventeen, and recorded in Berks County Records, in Deed Book No. Four hundred and fifty-six, page three hundred and four; and also part of the same premises which Caleb Bieber, trustees, conveyed to the Commonwealth of Pennsylvania by deed, date June twenty-four, nineteen hundred and twenty-six, and recorded in Berks County Records, in Deed Book No. Six hundred and thirty-three, page six hundred and two, reference being thereto had will appear.

Ordinances for paving, etc., to be passed.

Provided, however, That the Borough of Kutztown will pass the necessary ordinances to widen, pave and improve the above-described strip of land, together with another strip of land sixteen and one-half feet ($16\frac{1}{2}'$) given by the Borough of Kutztown for the proposed street improvement—said street to be known as College Boulevard, and to be sixty feet ($60'$) in width, of which forty feet ($40'$) shall be for road-bed and ten feet ($10'$) on each side for sidewalks: And provided further, That the Borough of Kutztown will pay, or cause to be paid, all costs and expense incident to the improvement and maintenance thereof.

Costs of improvement.

Duty of Secretary of Property and Supplies.

Said Secretary of Property and Supplies, with the approval of the Governor of the Commonwealth of Pennsylvania, hereby is authorized to perform all the covenants and conditions of said agreement on its part to be performed, to make such modifications, other than acreage, of the same as may be agreed upon by the parties in order to carry out fully the said agreement according to its intent and purposes, and to fully comply with the terms thereof in every respect according to law: Provided, always, That the Borough of Kutztown fully perform all the covenants and agreements in said agreement contained on its part to be performed.

Borough of Kutztown.

Cost of conveyance.

Section 2. The cost of said conveyance is to be at the expense of the Borough of Kutztown.

Repeal.

Section 3. All acts and parts of acts inconsistent herewith be and the same are hereby repealed.

APPROVED—The 24th day of April, A. D. 1931.

GIFFORD PINCHOT