

No. 1984-208

AN ACT

SB 1412

Amending the act of June 22, 1931 (P.L.594, No.203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," deleting State Highway Route 02003 in Allegheny County from the State highway system and authorizing its conveyance; and deleting a portion of State Route 45012 in Monroe County from the State highway system and conveying it to the Federal Government.

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

Section 1. The act of June 22, 1931 (P.L.594, No.203), referred to as the Township State Highway Law, is amended by deleting or amending the following routes:

[Route 02003. Beginning at a point on Route 538 near the village of Clinton; thence in a southwesterly direction to a point near Virsoix; thence to a point on the Washington County line near the McBride farm, in Allegheny County, a distance of about 3.8 miles.]

Route 45012. Beginning at a point on State Highway Route 461 east, Smithfield Township, at Shawnee; thence northeasterly through Smithfield **[and Middle Smithfield Townships] Township for a distance of 7,650 feet to a point in Smithfield Township; thence beginning again at a point in Middle Smithfield Township;** thence northwesterly through Middle Smithfield Township **for a distance of 3,434 feet** to a point, where it intersects State Highway Route 167 at Shoemaker, in Monroe County, a distance of about **[7.75] 2.10** miles.

Section 2. (a) The Department of Transportation is hereby authorized to convey to Imperial Land Company all of the Commonwealth's right, title and interest in that portion of State Route 02003 which is deleted from the State highway system pursuant to this act.

(b) The deed of conveyance shall be approved as provided by law and shall be executed by the Secretary of Transportation in the name of the Commonwealth of Pennsylvania.

(c) The grantee shall allow utility facilities located within the right-of-way to remain in their present location unless their removal is required by the grantee, in which case the grantee shall pay for their removal and reinstallation, including the cost of new right-of-way for the utilities.

(d) The grantee shall provide reasonable access from station 112 + 86 to station 191 + 96 via the transferred highway for all owners of property abutting the highway, their heirs and assigns.

(e) The grantee shall indemnify and hold the Commonwealth harmless from any and all actions which may be brought against it as a result of the transfer of jurisdiction of the highway.

Section 3. (a) For the consideration of \$1, the Department of General Services is hereby authorized, with the approval of the Governor and the Department of Transportation, to convey to the United States of America title to that portion of State Route 45012 which is deleted from the State highway system pursuant to this act and which lies within the boundaries of the Delaware Water Gap National Recreation Area. The conveyance shall be made together with all and singular, the improvements, ways, waters, water-courses, rights, liberties, privileges, hereditaments and appurtenances whatsoever thereunto belonging, or in anywise appertaining, and the reversions and remainders, rents, issues and profits thereof; and all the estate, right, title, interest, property claim and demand whatsoever, but exclusive of all existing rights-of-way for waterlines, sewerage lines and mains, outfalls, electric power lines, telephone and communications lines, gas lines and rights of ingress and egress.

(b) 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.

(c) Concurrent jurisdiction in and over the aforesaid lands, when acquired by the United States, is hereby ceded to the United States by the Commonwealth of Pennsylvania.

(d) This conveyance is made to the grantee upon the express condition that, if the grantee shall cease to use the above described premises for transportation purposes connected with the use of the surrounding land as a recreation area or shall alienate or attempt to alienate such land, title thereto shall, at the option of the grantor, revert to the Commonwealth of Pennsylvania.

Section 4. This act shall take effect in 60 days.

APPROVED—The 18th day of December, A. D. 1984.

DICK THORNBURGH