

No. 1998-64

AN ACT

SB 1168

Authorizing and directing the Department of Conservation and Natural Resources, with the approval of the Governor, to convey to Turkeyfoot Fish and Game Association, Inc., a certain tract of land situate in Henry Clay Township, Fayette County, in exchange for certain tracts of land; and authorizing the Department of General Services, with the approval of the Governor and the Department of Conservation and Natural Resources, to grant and convey a sanitary sewer right-of-way over certain State land to Penn Township, York County, Pennsylvania.

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

Section 1. (a) Authorization and description.—The Department of Conservation and Natural Resources, with the approval of the Governor, is hereby authorized and directed on behalf of the Commonwealth of Pennsylvania to grant and convey to the Turkeyfoot Fish and Game Association, Inc., the following tract of land bounded and described as follows:

All that certain lot, piece or parcel of land situated in the Township of Henry Clay, County of Fayette, Commonwealth of Pennsylvania, bounded and described as follows:

Beginning at a point, said point being the first described point of that parcel of land conveyed by W. H. Reiber et ux to the Connellsville and State Line Railway Company by deed dated June 6, 1910, and recorded in the Office of the Recorder of Deeds of Fayette County, Pennsylvania, in Deed Book 296 at Page 308; thence from said point of beginning South 9 degrees 24 minutes 00 seconds East, 89.90 feet to an iron pin; thence North 51 degrees 16 minutes 00 seconds West 143.50 feet to a point of curve; thence by a railroad curve to the right, having a radius of 1,391.32 feet (through which curve a chord bears North 48 degrees 09 minutes 42 seconds West), an arc distance of 150.80 feet to a point; thence on a radial line to the aforementioned curve North 44 degrees 56 minutes 34 seconds East, 10.00 feet to a point; thence by a railroad curve to the right (said curve being concentric to the last mentioned curve) having a radius of 1,381.32 feet (through which curve a chord bears North 16 degrees 06 minutes 47 seconds West), an arc distance of 1,395.58 feet to a point of tangency; thence North 12 degrees 49 minutes 50 seconds East, 1,282.12 feet to a point along the western right-of-way line of a township road known as Ramcat Road; thence in a Southerly direction by said right-of-way line by the following course and distances, to wit:

(1) South 18 degrees 59 minutes 23 seconds East, 69.65 feet to a point;

(2) South 11 degrees 17 minutes 43 seconds East, 99.06 feet to a point;
(3) South 8 degrees 06 minutes 38 seconds East, 63.76 feet to a point;
thence leaving the aforesaid right-of-way and continuing South 12 degrees 49 minutes 50 seconds West, 1,011.18 feet to a point; thence South 77 degrees 10 minutes 10 seconds East 25.00 feet to a point; thence South 12 degrees 49 minutes 50 seconds West, 61.80 feet to a point of curve; thence by a railroad curve to the left (said curve being concentric to the last mentioned curve) having a radius of 1,256.32 feet (through which curve a chord bears South 7 degrees 22 minutes 53 seconds West) an arc distance of 238.96 feet to a point; thence on a radial line extended of the aforementioned curve North 88 degrees 04 minutes 03 seconds West 25.00 feet to a point; thence by a railroad curve to the left (said curve being concentric to the last mentioned curve) having a radius of 1,281.32 feet (through which curve a chord bears South 21 degrees 33 minutes 44 seconds East) an arc distance of 1,050.83 feet to a point; thence on a radial line of the aforementioned curve North 44 degrees 56 minutes 34 seconds East, 10.00 feet to a point; thence by a railroad curve to the left (said curve being concentric to the last mentioned curve) having a radius of 1,271.32 feet (through which curve a chord bears South 48 degrees 09 minutes 42 seconds East) an arc distance of 137.79 feet to a point of tangency; thence South 51 degrees 16 minutes 00 seconds East, 9.50 feet to a point; thence South 9 degrees 24 minutes 00 seconds East, 89.90 feet to a point and place of beginning.

Containing 6.5978 acres.

Being a portion of that land conveyed by the Western Pennsylvania Conservancy to the Commonwealth of Pennsylvania by deed dated November 15, 1978, and recorded in the Office of the Recorder of Deeds of Fayette County, Pennsylvania, in Deed Book 1246 at Page 109.

(b) Exchange description.—The conveyance authorized by subsection (a) shall be in exchange for the conveyance by Turkeyfoot Fish and Game Association, Inc., to the Commonwealth of Pennsylvania of all those certain tracts of land bounded and described as follows:

Tract No. 1

All that certain lot, piece or parcel of land situated in the Township of Henry Clay, County of Fayette, Commonwealth of Pennsylvania, bounded and described as follows:

Beginning at an iron pin corner, said corner lying on the easterly right-of-way of Ramcat Road (Township Route 892) and being further defined as lying 270 feet more or less north of the intersection of said TR 892 with the center of State Route 281 and common to lands herein and lands of the Borough of Confluence; thence from said point of beginning by and along the eastern right-of-way line of said TR 892 the following nineteen (19) courses and distances:

- (1) North 18 degrees 32 minutes 44 seconds West, 152.96 feet to a point;
- (2) North 24 degrees 38 minutes 36 West, 97.67 feet to a point;
- (3) North 26 degrees 02 minutes 46 seconds West, 137.85 feet to a point;

- (4) North 10 degrees 38 minutes 34 seconds West, 56.96 feet to a point;
- (5) North 09 degrees 23 minutes 18 seconds West, 231.45 feet to a point;
- (6) North 07 degrees 39 minutes 38 seconds West, 171.16 feet to a point;
- (7) North 09 degrees 22 minutes 57 seconds West, 144.80 feet to a point;
- (8) North 13 degrees 22 minutes 17 seconds West, 82.56 feet to a point;
- (9) North 17 degrees 04 minutes 22 seconds West, 116.87 feet to a point;
- (10) North 17 degrees 31 minutes 10 seconds West, 127.11 feet to a point;
- (11) North 15 degrees 11 minutes 57 seconds West, 257.50 feet to a point;
- (12) North 08 degrees 16 minutes 56 seconds West, 169.54 feet to a point;
- (13) North 00 degrees 57 minutes 32 seconds West, 208.80 feet to a point;
- (14) North 01 degree 48 minutes 02 seconds East, 308.07 feet to a point;
- (15) North 01 degrees 53 minutes 31 seconds East, 167.85 feet to a point;
- (16) North 00 degrees 51 minutes 39 seconds West, 210.81 feet to a point;
- (17) North 00 degrees 05 minutes 00 seconds East, 125.41 feet to a point;
- (18) North 03 degrees 22 minutes 40 seconds West, 151.09 feet to a point;
- (19) North 12 degrees 06 minutes 21 seconds West, 70.46 feet to an iron pin corner, said corner being along the eastern right-of-way line of said TR 892 at its intersection with the easterly right-of-way line of the Western Maryland Railroad; thence along lands of the Western Maryland Right-of-Way by lands herein North 12 degrees 38 minutes 08 seconds East, 114.74 feet to a point, thence continuing by the easterly right-of-way line of the Western Maryland Railroad on a curve to the left with a radius of 2,342.0 feet (subtended by a chord bearing of North 09 degrees 36 minutes 39 seconds East and chord distance of 247.16 feet), a distance of 247.27 feet to an iron pin corner common to lands last mentioned and lands now or formerly of William Gilmore; thence by lands now or formerly of said William Gilmore North 89 degrees 48 minutes 02 seconds East, 70.84 feet to a point on the edge of the Youghiogheny River; thence along the edge of said Youghiogheny River the following seventeen (17) courses and distances:
 - (1) South 11 degrees 00 minutes 01 seconds East, 95.01 feet to a point;
 - (2) South 03 degrees 50 minutes 20 seconds East, 209.19 feet to a point;
 - (3) South 04 degrees 34 minutes 57 seconds East, 172.03 feet to a point;
 - (4) South 03 degrees 25 minutes 47 seconds West, 277.33 feet to a point;
 - (5) South 04 degrees 34 minutes 23 seconds East, 193.16 feet to a point;
 - (6) South 20 degrees 28 minutes 54 seconds West, 80.62 feet to a point;
 - (7) South 24 degrees 11 minutes 12 seconds West, 117.09 feet to a point;
 - (8) South 11 degrees 45 minutes 56 seconds West, 180.07 feet to a point;
 - (9) South 04 degrees 05 minutes 08 seconds West, 167.59 feet to a point;
 - (10) South 01 degree 55 minutes 20 seconds East, 148.14 feet to a point;

(11) South 15 degrees 18 minutes 56 seconds East, 275.62 feet to a point;
 (12) South 16 degrees 51 minutes 58 seconds East, 198.04 feet to a point;
 (13) South 07 degrees 44 minutes 27 seconds East, 115.17 feet to a point;
 (14) South 14 degrees 58 minutes 15 seconds East, 210.34 feet to a point;
 (15) South 06 degrees 29 minutes 05 seconds East, 443.98 feet to a point;
 (16) South 06 degrees 11 minutes 08 seconds East, 108.70 feet to a point;
 (17) South 25 degrees 37 minutes 21 seconds East, 371.86 feet to a point
 on the westerly edge of the Youghiogheny River, said point being common
 to lands of the Borough of Confluence and lands herein; thence by land of
 the Borough of Confluence South 81 degrees 17 minutes 00 seconds West,
 42.14 feet to an iron pin, place of beginning.

Containing 5.98 acres of land.

Tract No. 2

All that certain lot, piece or parcel of land situated in the Township of
 Henry Clay, County of Fayette, Commonwealth of Pennsylvania, bounded
 and described as follows:

Beginning at an iron pin corner, said corner lying on the westerly right-of-
 way line of Ramcat Road (Township Route 892) and further defined as lying
 270 feet more or less North of the intersection of said TR 892 with the center
 of State Route 281 and also lying South 81 degrees 17 minutes 00 seconds
 West, 33.49 feet from the beginning point of Tract No. 1 previously
 described; thence from point of beginning along lands of the Borough of
 Confluence South 81 degrees 17 minutes 00 seconds West, 29.55 feet to an
 iron pin corner; thence by same South 08 degrees 43 minutes 00 seconds
 East, 123.32 feet to a point; thence by same on a curve to the right with a
 radius of 666.62 feet (subtended by a chord bearing of South 05 degrees 25
 minutes 07 seconds East and chord distance of 76.64 feet) for a distance of
 76.68 feet to an iron pin corner; thence by same and by lands now or
 formerly of James Prothero North 78 degrees 15 minutes 07 seconds West,
 61.90 feet to an iron pin corner; thence by lands now or formerly of James
 Prothero and lands now or formerly of Paul Wass North 09 degrees 22
 minutes 21 seconds West, 548.86 feet to an iron pin corner on the westerly
 right-of-way line of the Western Maryland Railroad; thence along said right-
 of-way North 81 degrees 17 minutes 00 seconds East, 4.92 feet to a point on
 the westerly right-of-way line of TR 892; thence by said westerly right-of-
 way the following three (3) courses and distances:

(1) South 26 degrees 02 minutes 46 seconds East, 142.14 feet to a point;
 (2) South 24 degrees 38 minutes 36 seconds East, 95.25 feet to a point;
 (3) South 18 degrees 32 minutes 44 seconds East, 145.48 feet to an iron
 pin corner, place of beginning.

Containing 0.75 acre of land.

Tract No. 3

All that certain lot, piece or parcel of land situated in the Township of
 Henry Clay, County of Fayette, Commonwealth of Pennsylvania, bounded
 and described as follows:

Beginning at a point on the westerly right-of-way line of the Western Maryland Railroad, said point being common to lands now or formerly of William Gilmore and further defined as lying South 89 degrees 48 minutes 02 seconds West, 100.74 feet from an iron pin on the easterly right-of-way of said railroad where Tract No. 1 previously described intersects with lands now or formerly of William Gilmore; thence from said point of beginning by the westerly right-of-way line of the Western Maryland Railroad on a curve to the right with a radius of 2,242.0 feet (subtended by a chord bearing of South 08 degrees 44 minutes 07 seconds West and a chord distance of 144.37 feet), a distance of 144.40 feet to the intersection of said right-of-way line with the eastern right-of-way of TR 892; thence along said eastern right-of-way of TR 892 North 19 degrees 04 minutes 16 seconds West, 35.46 feet to a point; thence by the same North 12 degrees 14 minutes 34 seconds West, 111.52 feet to a point at the southwest corner of lands now or formerly of William Gilmore; thence along the south line of lands now or formerly of William Gilmore North 89 degrees 48 minutes 02 seconds East, 57.16 to a point and place of beginning.

Containing 0.10 acre of land.

Being a portion of the same tract of land conveyed by the Borough of Confluence to the Turkeyfoot Fish and Game Association, Inc., by deed dated July 31, 1987, and recorded in the Office of the Recorder of Deeds of Somerset County, Pennsylvania, in Deed Book 1005 at Page 765. Also being a portion of the same tract of land conveyed by Roy Leber et ux to the Turkeyfoot Fish and Game Association, Inc., by deed dated September 23, 1967, and recorded in the Office of the Recorder of Deeds of Fayette County, Pennsylvania, in Deed Book 1050 at Page 922. Also being a portion of the same tract of land conveyed by Rob Leber et ux to the Turkeyfoot Fish and Game Association, Inc., by deed dated September 23, 1967, and recorded in the Recorder of Deeds Office of Fayette County, Pennsylvania, in Deed Book 1050 at Page 925. Also being a portion of the same tract of land conveyed by the Borough of Confluence to the Turkeyfoot Fish and Game Association, Inc., by deed dated March 3, 1987, and recorded in the Office of the Recorder of Deeds of Fayette County, Pennsylvania, in Deed Book 333 at Page 210.

(c) Easements.—Conveyance of the land described in subsection (a) 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.

(d) Execution.—The deed of conveyance of the property described in subsection (a) shall be approved as provided by law and shall be executed by the Secretary of Conservation and Natural Resources in the name of the Commonwealth of Pennsylvania.

(e) Costs.—The parties to the transaction shall bear their respective costs.

Section 2. (a) Authorization and description.—The Department of General Services, with the approval of the Governor and the Department of Conservation and Natural Resources, is hereby authorized and directed on behalf of the Commonwealth of Pennsylvania to grant and convey to Penn Township, York County, for a consideration of \$1, a sanitary sewer right-of-way on a parcel of land situate in Penn Township, York County, Pennsylvania, being bounded and described as follows:

All that certain strip of land thereto situate in the Township of Penn, County of York, Commonwealth of Pennsylvania, being bounded and described as follows to wit:

Beginning from a point on the centerline of a proposed 20-foot-wide permanent sanitary sewer right-of-way, said point being located South 22 degrees 55 minutes 16 seconds East, 38.95 feet from a corner of Codorus State Park designated as F&W - 169; thence continuing across lands of the Codorus State Park, North 48 degrees 49 minutes 42 seconds East, 19.83 feet to a proposed manhole; thence continuing by the same North 86 degrees 22 minutes 56 seconds East, 308.41 feet to an existing Penn Township sanitary sewer manhole designated as Manhole No. 111, said manhole being the terminus of the above-described right-of-way.

Along with an additional 10-foot-wide temporary construction easement located on the southern side of the above-described 20-foot-wide permanent right-of-way.

(b) Easement.—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) Proceeds.—The proceeds of this sale shall be paid into the General Fund.

(d) 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.

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

Section 3. This act shall take effect immediately.

APPROVED—The 5th day of June, A.D. 1998.

THOMAS J. RIDGE