

## No. 2005-15

## AN ACT

## HB 271

Authorizing the Pennsylvania Fish and Boat Commission to convey a portion of a Project 70 tract of land in the Township of North Newton, Cumberland County, under certain conditions, to the Township of North Newton, a municipal corporation of the Commonwealth of Pennsylvania; and authorizing the Pennsylvania Fish and Boat Commission to convey a portion of a Project 70 tract of land in the Township of West Pennsboro, Cumberland County, under certain conditions, to the Township of West Pennsboro, a municipal corporation of the Commonwealth of Pennsylvania.

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

Section 1. Township of North Newton, Cumberland County.

(a) Authorization.—Under the requirements of section 20(b) of the act of June 22, 1964 (Sp.Sess., P.L.131, No.8), known as the Project 70 Land Acquisition and Borrowing Act, the General Assembly hereby authorizes the Pennsylvania Fish and Boat Commission to convey a portion of its Big Spring Creek Property located in the Township of North Newton, Cumberland County, to the Township of North Newton for inclusion into the right-of-way of Nealy Road of the township's roadway system.

(b) Freedom of restrictions.—The Pennsylvania Fish and Boat Commission is authorized to convey a portion of its Big Spring Creek property being a 4,260 square feet, more or less, tract of land, as described in subsection (d), lying adjacent to the right-of-way of Nealy Road of the Township of North Newton from the Commonwealth of Pennsylvania to the Township of North Newton free of restrictions on use and alienation prescribed by the Project 70 Land Acquisition and Borrowing Act, provided the conveyance shall be subject to all easements of record and the following conditions:

(1) If, at any time, the Township of North Newton shall abandon the herein described property or restrict its use in any way that it is not open to free public use and enjoyment, the said property shall revert to the ownership of the Commonwealth of Pennsylvania for use by the Pennsylvania Fish and Boat Commission.

(2) The Pennsylvania Fish and Boat Commission shall retain at all times the unrestricted right of ingress, egress and regress over the said property.

(c) Execution.—The deed of conveyance from the Pennsylvania Fish and Boat Commission to the Township of North Newton shall be executed by the Executive Director of the Pennsylvania Fish and Boat Commission in the name of the Commonwealth of Pennsylvania for use by the Pennsylvania Fish and Boat Commission and shall be approved for legality and form by the Authorized Agency Attorney of the Pennsylvania Fish and Boat Commission

and the Office of Attorney General. Costs and fees incidental to the conveyance shall be borne by the township.

(d) Description of premise to be conveyed.—The portion of the Pennsylvania Fish and Boat Commission's Big Spring Creek property to be conveyed under this section is described as follows:

ALL that certain piece or parcel of land situate in the Township of North Newton, County of Cumberland, Commonwealth of Pennsylvania, being 55 feet wide and extending 27.5 feet perpendicular to each side of a line described as follows:

BEGINNING at a point in the centerline of Nealy Road, on the common boundary between the Township of North Newton and the Township of West Pennsboro, and in Big Spring Creek; THENCE along the proposed centerline alignment of Nealy Road in a westerly direction the following 4 courses and distances:

(1) South 46 degrees 40 minutes 41 seconds West a distance of 22.35 feet to a point;

(2) South 44 degrees 23 minutes 19 seconds West a distance of 51.27 feet to a point;

(3) South 42 degrees 21 minutes 13 seconds West a distance of 54.06 feet to a point;

(4) South 42 degrees 35 minutes 04 seconds West a distance of 74.68 feet to a point on the western boundary line of the Pennsylvania Fish and Boat Commission's Big Spring Creek Property with the said Commission boundary line being the western boundary of this parcel being conveyed.

CONTAINING 4,260 Square Feet, more or less, subject to the existing right-of-way of Nealy Road.

(e) Conditions.—

(1) This 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.

(2) The property described herein includes and overlays the existing 33 feet wide right-of-way of Nealy Road.

Section 2. Township of West Pennsboro, Cumberland County.

(a) Authorization.—Under the requirements of section 20(b) of the act of June 22, 1964 (Sp.Sess., P.L.131, No.8), known as the Project 70 Land Acquisition and Borrowing Act, the General Assembly hereby authorizes the Pennsylvania Fish and Boat Commission to convey a portion of its Big Spring Creek property located in the Township of West Pennsboro, Cumberland County, to the Township of West Pennsboro for inclusion into the right-of-way of Nealy Road of the township's roadway system.

(b) Freedom of restrictions.—The Pennsylvania Fish and Boat Commission is authorized to convey a portion of its Big Spring Creek

property being a 5,133 square feet, more or less, tract of land, as described in subsection (d), lying adjacent to the right-of-way of Nealy Road of the Township of West Pennsboro from the Commonwealth of Pennsylvania to the Township of West Pennsboro free of restrictions on use and alienation prescribed by the Project 70 Land Acquisition and Borrowing Act, provided the conveyance shall be subject to all easements of record and the following conditions:

(1) If, at any time, the Township of West Pennsboro shall abandon the herein described property or restrict its use in any way that it is not open to free public use and enjoyment, the said property shall revert to the ownership of the Commonwealth of Pennsylvania for use by the Pennsylvania Fish and Boat Commission.

(2) The Pennsylvania Fish and Boat Commission shall retain at all times the unrestricted right of ingress, egress and regress over the said property.

(c) Execution.—The deed of conveyance from the Pennsylvania Fish and Boat Commission to the Township of West Pennsboro shall be executed by the Executive Director of the Pennsylvania Fish and Boat Commission in the name of the Commonwealth of Pennsylvania for use by the Pennsylvania Fish and Boat Commission and shall be approved for legality and form by the Authorized Agency Attorney of the Pennsylvania Fish and Boat Commission and the Office of Attorney General. Costs and fees incidental to the conveyance shall be borne by the township.

(d) Description of premises to be conveyed.—The portion of the Pennsylvania Fish and Boat Commission's Big Spring Creek Property to be conveyed under this section is described as follows:

ALL that certain piece or parcel of land situate in the Township of West Pennsboro, Cumberland County, Commonwealth of Pennsylvania, being 55 feet wide and extending 27.5 feet perpendicular to each side of a line described as follows:

BEGINNING at a point in the centerline of Nealy Road, on the common boundary between the Township of North Newton and the Township of West Pennsboro, and in Big Spring Creek; THENCE along the proposed centerline alignment of Nealy Road in an easterly direction the following 4 courses and distances:

(1) North 46 degrees 40 minutes 41 seconds East a distance of 83.11 feet to a point;

(2) along a curve to the left having a radius of 150.00 feet, an arc length of 54.43 feet, a chord bearing of North 37 degrees 32 minutes 05 seconds East, and a chord distance of 54.13 feet to a point;

(3) North 28 degrees 25 minutes 24 seconds East a distance of 67.75 feet to a point;

(4) along a curve to the right having a radius of 75.00 feet, an arc length of 22.75 feet, a chord bearing of North 37 degrees 06 minutes 04 seconds East, and a chord distance of 22.66 feet to a point on the western

right-of-way line of Big Spring Road (SR 3007) with the said of right-of-way line being the eastern boundary of this parcel being conveyed.  
CONTAINING 5,133 Square Feet, more or less, subject to the existing right-of-way of Nealy Road.

(e) Conditions.—

(1) This 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.

(2) The property described herein includes and overlays the existing 33 feet wide right-of-way of Nealy Road.

Section 3. Effective date.

This act shall take effect immediately.

APPROVED—The 5th day of July, A.D. 2005.

EDWARD G. RENDELL