

No. 2017-63

AN ACT

HB 1009

Authorizing the release of Project 70 restrictions on certain land owned by the Borough of West Newton, Westmoreland County, in return for the development of park and open space lands within the Borough of West Newton, Westmoreland County; and authorizing the release of Project 70 restrictions on certain lands owned by Upper Uwchlan Township, Chester County, in exchange for the provision of money for the purchase and installation of recreational equipment and the implementation of a multiuse trail.

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

Section 1. Release of restrictions in the Borough of West Newton, Westmoreland County.

(a) Authorization.—Pursuant to 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 release of Project 70 restrictions from the land owned by the Borough of West Newton, Westmoreland County, which is more particularly described in subsection (c), in exchange for the development of park and open space lands as provided in subsection (d).

(b) Land to be released from Project 70 restrictions.—The Borough of West Newton, Westmoreland County, intends to sell a portion of the land it owns and wishes to release the land described in subsection (c) from Project 70 restrictions.

(c) Description of premises to be conveyed.—The land to be conveyed shall be ALL THAT CERTAIN parcel of land lying and situate between South Water Street and the Youghioghenny River in the Borough of West Newton, Westmoreland County, Pennsylvania, being more fully described as follows, to wit:

FIRST:

BEGINNING at a point on the West side of South Water Street and a post corner on land now or formerly of Nannie C. Montgomery;

Thence along said South Water Street, South 35°45' West, a distance of 71.50 feet to a point at the South end of a two-story brick dwelling;

Thence on a line along the South end of said brick dwelling to a point on the bank of the Youghioghenny River;

Thence North 25°45' East along the Youghioghenny River, a distance of 72.51 feet to a point on the bank of the Youghioghenny River and land now or formerly of Nannie C. Montgomery;

Thence in an Eastwardly direction along the line of land now or formerly of Nannie C. Montgomery, a distance of 122 feet, more or less, to the post corner on the West side of South Water Street, being the place of beginning.

SECOND:

BEGINNING at a point on the West side of South Water Street at corner of lot of ground now or formerly of Mabel R. Duncan;

Thence along the West side of South Water Street, South 35°45' West, a distance of 210.50 feet to a point at the corner of land now or formerly of the C.S. Weimer estate;

Thence by said land now or formerly of said estate, North 54°15' West, a distance of 47 feet to a point on the bank of the Youghiogheny River;

Thence along said river, North 11°06' East, a distance of 93.5 feet to a point;

Thence still along said river, North 28°45' East, a distance of 126.46 feet to a point on said river bank at the corner of land now or formerly of Mabel R. Duncan;

Thence in an Eastwardly direction along the line of land now or formerly of Mabel R. Duncan to a point on the North side of South Water Street, being the place of beginning.

Being the same premises known as the John C. Plumer House, which the Historical Society of West Newton, by deed dated February 23, 1968 and recorded in Westmoreland County Deed Book Volume 1979, page 1147, granted and conveyed unto the Borough of West Newton.

(d) Use of sale proceeds and interest.—An amount equal to or greater than the fair market value of the land described in subsection (c) shall be deposited into a special interest-bearing account established by the Borough of West Newton, Westmoreland County, for the development of park and open space lands in the Borough of West Newton. None of the funds shall be disbursed from this special account until a plan is developed by the Borough of West Newton for the intended use of the funds and until such plan has been approved by the Department of Conservation and Natural Resources. Any funds remaining in the special account five years after the date of deposit shall immediately be paid to the Commonwealth for deposit into the Project 70 Land Acquisition Sinking Fund or current equivalent.

Section 2. Restrictions in Upper Uwchlan Township, Chester 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 release of Project 70 restrictions on land owned by Upper Uwchlan Township; Chester County, described in subsection (b), in exchange for the provision of money for the purchase and installation of recreational equipment and the implementation of a multiuse trail as provided under subsection (c).

(b) Land to be released from Project 70 restrictions.—The land to be released from Project 70 restrictions is as follows:

ALL THAT CERTAIN tract or parcel of land located south of the Pennsylvania Turnpike (200-foot right-of-way) and east of Park Road (50-foot right-of-way), situate in the Township of Upper Uwchlan, County of Chester, Commonwealth of Pennsylvania, being a portion of the lands of Supervisors of Upper Uwchlan Township to be conveyed to the Pennsylvania Turnpike, as shown on and described in accordance with the Pennsylvania Turnpike Commission Plan No. R/W 6025-RA, prepared by Traffic Planning and Design, Inc., dated October 13, 2017, as follows:

Beginning at a point at the intersection of the easterly legal right-of-way line for township road T-523 (Park Road) and the southerly legal right-of-

way line for limited access of the grantee, said point being located 8 feet left of and opposite T-523 construction Baseline Station 14+45±;

Thence along the southerly legal right-of-way line for limited access of the grantee, 49.18 feet along an arc of a curve to the left having a radius of 5829.65 feet, the chord of which has a bearing of South 61°03'35" East and a length of 49.18 feet to a point, said point being located 35 feet more or less right of and opposite T-523 construction Baseline at Station 14+70±;

Thence through lands of the grantor the following seven (7) courses,

- (1) South 85°44'20" West a distance of 22.21 feet to a point being located 25 feet right of and opposite T-523 construction Baseline at Station 14+50,
- (2) South 61°36'48" West a distance of 102.05 feet to a point being located 25 feet right of and opposite T-523 construction Baseline at Station 13+50,
- (3) South 65°54'38" West a distance of 81.65 feet to a point being located 25 feet right of and opposite T-523 construction Baseline at Station 12+70,
- (4) South 22°10'47" East a distance of 15.00 feet to a point being located 40 feet right of and opposite T-523 construction Baseline at Station 12+70,
- (5) South 68°30'46" West a distance of 29.97 feet to a point being located 40 feet right of and opposite T-523 construction Baseline at Station 12+41,
- (6) South 69°12'19" West a distance of 241.00 feet to a point being located 40 feet right of and opposite T-523 construction Baseline at Station 10+00, and
- (7) North 20°47'41" West a distance of 18.34 feet to a point being located 22 feet more or less right of and opposite T-523 construction Baseline at Station 10+00,

Thence along the easterly legal right-of-way line for township road T-428 the following three (3) courses,

- (1) North 68°55'50" East a distance of 60.69 feet to a point being located 21 feet more or less right of and opposite T-523 construction Baseline at Station 10+61±,
- (2) 261.80 feet along an arc of a curve to the right having a radius of 1500.00 feet, the chord of which has a bearing of North 63°55'50" West and a length of 261.47 feet to a point, said point being located 0 feet more or less right of and opposite T-523 construction Baseline Station 13+21±, and
- (3) North 58°55'50" East a distance of 123.72 feet to the Point of Beginning.

Containing 0.259 acre. Includes 0.025 acre of R/W reserved by Columbia Gas Corp.

Subject to all covenants and agreements of record.

A portion of Chester County Tax Map Parcel 32-3-80-E, 32-3-77.5-E, and 32-3-77.10-E.

(c) Duties.—The Pennsylvania Turnpike Commission shall do all of the following:

(1) Provide money to Upper Uwchlan Township, Chester County, for the purchase and installation of recreational equipment to be used at a park located on the land described under subsection (b).

(2) Implement a multiuse trail on a bridge which will permit pedestrian access to a park located on the land described under subsection (b).

Section 3. Effective date.

This act shall take effect immediately.

APPROVED—The 21st day of December, A.D. 2017

TOM WOLF