

## No. 239

## AN ACT

## HB 829

Authorizing the Department of Property and Supplies, with the approval of the Governor and the Department of Forests and Waters to grant a flowage easement to the United States of America over lands in Clinton County.

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

Section 1. The Department of Property and Supplies, with the approval of the Governor and the Department of Forests and Waters is hereby authorized to grant and convey to the United States of America a perpetual right, power, privilege and easement to overflow, flood and submerge the following described three tracts of land in connection with *the operation and maintenance of the Alvin R. Bush Dam as authorized by an act of Congress approved September 3, 1954, together with all right, title and interest in and to all structures and improvements situate thereon:*

All those certain three tracts or parcels of land situate in the Township of Leidy, County of Clinton, and Commonwealth of Pennsylvania described as follows:

## Tract No. 1

Beginning at a point in the westerly boundary of the John Baird Warrant where the same is intersected by the center line of Beaver Dam Run, and being the common corner between land now or formerly of Isola K. Cross, widow, et al., and land of David A. Doebler, et al., thence from the aforesaid point of beginning and binding said Doebler land south 01 degree 45 minutes 20 seconds east 341.72 feet to a point in line of other land of the Commonwealth of Pennsylvania, of which these premises were formerly a part, thence along the same the eight following courses and distances, to wit: (1) north 61 degrees 15 minutes 28 seconds west 660.61 feet to a point; (2) north 80 degrees 28 minutes 27 seconds west 656.02 feet to a point; (3) north 44 degrees 18 minutes 59 seconds west 311.15 feet to a point; (4) north 19 degrees 41 minutes 34 seconds west 148.08 feet to a point; (5) south 88 degrees 57 minutes 20 seconds east 230.45 feet to a point; (6) south 80 degrees 06 minutes 54 seconds east 666.91 feet to a point; (7) south 77 degrees 51 minutes 27 seconds east 278.45 feet to a point; and (8) south 67 degrees 24 minutes 40 seconds east 345.69 feet to a point in line of land of Isola K. Cross, widow, et al., thence along the same south 01 degree 45 minutes 20 seconds east 136.74 feet to the point or place of beginning. Containing 12.01 acres of land, more or less.

Being part of the same premises which Mary E. Holmes, executrix of the last will and testament of John Holmes, deceased, granted and conveyed

unto the Commonwealth of Pennsylvania, by deed dated August 20, 1906, and recorded in Clinton County Deed Book 72, page 302.

Tract No. 2

Beginning at a point on the easterly side of State Highway Route No. 18003, said point being on the dividing line between land now or formerly of John W. Cole and land now or formerly of Commonwealth of Pennsylvania; thence over and across said land of Commonwealth of Pennsylvania as follows: (1) north 22 degrees 14 minutes 35 seconds east 261.53 feet; (2) north 00 degrees, 30 minutes 58 seconds west 731.46 feet; (3) north 01 degree, 11 minutes 27 seconds east 555.25 feet; (4) north 09 degrees, 42 minutes 36 seconds east 256.61 feet; (5) north 01 degree 15 minutes 21 seconds east 1011.91 feet; (6) north 10 degrees 36 minutes 28 seconds west 344.29 feet; (7) north 29 degrees 42 minutes 25 seconds west 365.62 feet; (8) north 39 degrees 27 minutes 34 seconds west 509.73 feet; (9) north 35 degrees 13 minutes 11 seconds west 386.59 feet; (10) north 30 degrees 57 minutes 00 seconds west 336.91 feet; (11) north 33 degrees 21 minutes 10 seconds east 276.67 feet; (12) south 48 degrees 30 minutes 20 seconds east 319.06 feet; (13) south 41 degrees 49 minutes 22 seconds east 773.24 feet; (14) south 35 degrees 43 minutes 11 seconds east 760.93 feet; (15) south 37 degrees 29 minutes 07 seconds east 676.55 feet; (16) south 82 degrees 29 minutes 15 seconds east 664.28 feet; (17) south 69 degrees 16 minutes 54 seconds east 343.35 feet to land of Pearl W. Walters; thence binding said land of Walters south 63 degrees 13 minutes 40 seconds west 100.92 feet to land of Francis R. Windfelder, et ux.; thence binding said land of Windfelder north 86 degrees 27 minutes 22 seconds west 867.13 feet to land of Noah Ludy, et ux.; thence binding said land of Ludy north 48 degrees 02 minutes 10 seconds west 396.00 feet to land of Doyle L. Schoonover, et ux.; thence binding said land of Schoonover north 30 degrees 56 minutes 32 seconds west 315.12 feet to the southeasterly line of a public road; thence over and across said road and in a northwesterly direction a distance of 33 feet, more or less, to land of Edna M. Brumley, et al.; thence binding said Brumley land north 58 degrees 05 minutes 16 seconds west 197.23 feet to land of Methodist Episcopal Church; thence binding said land of Methodist Episcopal Church north 25 degrees 32 minutes 22 seconds west 123.75 feet to land of Donald Crane; thence binding said land of Donald Crane as follows: (1) north 25 degrees 32 minutes 22 seconds west 123.75 feet; (2) south 65 degrees 14 minutes 56 seconds west 165.00 feet to the northeasterly side of Trout Run Road; thence along said northeasterly side of Trout Run Road south 25 degrees 32 minutes 22 seconds east 427.05 feet to the aforesaid public road; thence over and across said public road in a southeasterly direction a distance of 33 feet, more or less; thence crossing said Trout Run Road in a southwesterly direction 33 feet, more or less, to a point on the

southwesterly side of said Trout Run Road, said point being on the northeasterly corner of land of Norman D. Cranmer; thence binding said land of Cranmer as follows: (1) south 59 degrees 45 minutes 57 seconds west 60.00 feet; (2) south 20 degrees 13 minutes 23 seconds west 56.15 feet; (3) south 11 degrees 44 minutes 48 seconds east 111.70 feet to land of Leidy Township supervisors; thence binding said land of Leidy Township supervisors south 27 degrees 27 minutes 12 seconds east 40.00 feet to land of Isola K. Cross; thence binding said Cross land as follows: (1) south 58 degrees 33 minutes 30 seconds west 11.00 feet; (2) south 12 degrees 30 minutes 15 seconds east 64.15 feet; (3) south 59 degrees 31 minutes 03 seconds west 30.99 feet; (4) south 14 degrees 24 minutes 55 seconds east 66.71 feet; (5) north 69 degrees 30 minutes 00 seconds east 16.50 feet to land of Noah Ludy, et ux.; thence binding said land of Ludy as follows: (1) south 05 degrees 26 minutes 24 seconds east 196.72 feet; (2) south 09 degrees 13 minutes 10 seconds west 201.23 feet; (3) south 28 degrees 50 minutes 00 seconds west 134.82 feet to said land of Commonwealth of Pennsylvania; thence binding said land of Commonwealth of Pennsylvania as follows: (1) north 64 degrees 45 minutes 00 seconds east 430.09 feet to said Trout Run Road; thence continuing in a northeasterly direction and crossing said Trout Run Road 33 feet, more or less, to land of Francis R. Windfelder, et ux.; thence binding said land of Windfelder as follows: (1) south 34 degrees 04 minutes 37 seconds east 494.22 feet; (2) north 50 degrees 51 minutes 23 seconds east 40.00 feet; (3) south 34 degrees 04 minutes 37 seconds east 96.60 feet to land of Methodist Episcopal Church of Leidy Township, also known as Maple Grove Cemetery; thence binding said cemetery land south 40 degrees 04 minutes 11 seconds west 249.30 feet to land of Hamilton V. Proctor, et ux.; thence binding said Proctor land as follows: (1) south 29 degrees 25 minutes 52 seconds west 266.27 feet; (2) south 04 degrees 19 minutes 10 seconds east 156.75 feet; (3) south 01 degrees 25 minutes 50 seconds west 358.05 feet; (4) south 18 degrees 33 minutes 50 seconds west 429.00 feet; (5) south 09 degrees 25 minutes 50 seconds west 132.00 feet; (6) north 77 degrees 04 minutes 10 seconds west 140.25 feet to land of Commonwealth of Pennsylvania; thence over and across said Commonwealth land as follows: (1) north 42 degrees 07 minutes 49 seconds east 223.15 feet; (2) north 19 degrees 25 minutes 16 seconds east 392.77 feet; (3) north 02 degrees 42 minutes 39 seconds west 368.75 feet; (4) north 04 degrees 13 minutes 46 seconds west 502.37 feet; (5) north 40 degrees 07 minutes 46 seconds west 370.51 feet; (6) south 63 degrees 25 minutes 52 seconds west 69.00 feet; (7) south 13 degrees 57 minutes 17 seconds west 661.32 feet; (8) south 01 degrees 54 minutes 11 seconds east 672.69 feet; (9) south 02 degrees 59 minutes 18 seconds west 676.15 feet to said land of John W. Cole; thence binding said land of Cole south 88 degrees 15 minutes 40 seconds west 119.64 feet to the point or place of beginning. Containing 32.37 acres of land, more or less.

## Tract No. 3

Beginning at a point on the dividing line between land now or formerly of John Creighton, et al., and land now or formerly of the Commonwealth of Pennsylvania, said point being distant south 02 degrees 04 minutes 30 seconds east 135.11 feet (by survey) from the end of the second (or north 5 degrees 35 minutes east 3303.30 feet) line of land conveyed to said John Creighton, et al., by deed dated February 1950 and recorded among the land records of the County and State aforesaid in Deed Book 171, page 155; thence binding said land of Creighton as follows: (1) north 02 degrees 04 minutes 30 seconds west 135.11 feet; (2) north 78 degrees 31 minutes 10 seconds east 283.51 feet to said land of Commonwealth of Pennsylvania; thence over and across said land of Commonwealth of Pennsylvania south 51 degrees 11 minutes 00 seconds west 290.31 feet to the point or place of beginning. Containing 0.36 of an acre of land, more or less.

Tracts No. 2 and 3 being a part of the same premises conveyed to the Commonwealth of Pennsylvania by deed of Lackawanna Lumber Company, dated May 27, 1909 and recorded in Centre County Deed Book, Volume 18, page 544.

The conveyance shall be made under and subject, nevertheless, to all easements, servitudes and rights of others, including but not confined to streets, roadways and rights of any telephone, telegraph, water, electric, gas or pipe line companies as well as under and subject, nevertheless, to any estate or tenancies vested in third persons, whether or not appearing of record, for any portion of the said land or improvements erected thereon, and subject to the restriction that no other structures shall be constructed or maintained on the land except as may be approved in writing by the representative of the United States in charge of the project, such restrictions being intended for and limited to the prevention of construction which would interfere with the operation of the project or constitute a danger to persons or property; and reserving, nevertheless, to the Commonwealth of Pennsylvania and its assigns full sovereignty, jurisdiction and control over said lands, including all such rights and privileges as may be used and enjoyed without interfering with or abridging the easements herein authorized to be granted and conveyed.

Section 2. The deed of conveyance shall be approved by the Department of Justice and shall be executed by the Secretary of Property and Supplies in the name of the Commonwealth of Pennsylvania.

Section 3. This act shall take effect immediately.

APPROVED—The 25th day of November, A. D. 1970.

RAYMOND P. SHAFER

The foregoing is a true and correct copy of Act of the General Assembly  
No. 239.

A handwritten signature in cursive script, appearing to read "Robert R. Kelly". The signature is written in dark ink and is positioned above the printed name and title.

*Secretary of the Commonwealth.*