

No. 1999-29

AN ACT

HB 1520

Authorizing the release of Project 70 restrictions on certain lands owned by the borough of Downingtown, Chester County, in return for imposition of Project 70 restrictions on other lands owned or to be obtained by the Borough of Downingtown, Chester County; and authorizing the release of Project 70 restrictions on certain land owned by the Township of Silver Spring, Cumberland County, in return for the imposition of Project 70 restrictions on certain land to be obtained by the Township of Silver Spring, Cumberland County.

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

Section 1. Authorization for lands in Downingtown, Chester County.

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 from the lands described in section 2 in exchange for imposition of Project 70 restrictions on the lands described in section 3 which are owned by the Borough of Downingtown, Chester County, and imposition of Project 70 restrictions on the lands described in section 4 which are to be obtained by the Borough of Downingtown, Chester County.

Section 2. Lands to be released from Project 70 restrictions.

The property of the Borough of Downingtown to be released from Project 70 restrictions is as follows:

ALL THAT CERTAIN tract of land situated South of the Norwood Road and on the East side of New Holland Branch of Consolidated Rail Corporation (Conrail) in the Borough of Downingtown, Chester County, Commonwealth of Pennsylvania, and being more fully bounded as described as follows:

BEGINNING AT A POINT, the intersection of the Eastern right-of-way line of New Holland branch of Consolidated Rail Corporation and East Caln Township and Borough of Downingtown municipal line; thence extending along the same South 86 degrees 06 minutes 04 seconds East, 482.67 feet to a point; thence South 05 degrees 14 minutes 00 seconds East, 35 feet more or less to a point; thence South 42 degrees 14 minutes 00 seconds East, 478.50 feet to a point; thence South 19 degrees 44 minutes 00 seconds East, 6.60 feet to a point; thence South 78 degrees 38 minutes 00 seconds West, 770.07 feet to a point on the Eastern right-of-way line of the New Holland Branch of Consolidated Rail Corporation; thence extending along the same North 05 degrees 17 minutes 00 seconds West, 582 feet more or less to the POINT OF BEGINNING.

CONTAINING 7.08 acres, more or less.

Section 3. Lands owned by Downingtown Borough on which Project 70 restrictions are to be imposed.

The property of the Borough of Downingtown upon which Project 70 restrictions are to be imposed is as follows:

ALL THAT CERTAIN tract of land situated on the Southern side of Lincoln Highway in the Borough of Downingtown, Chester County, Commonwealth of Pennsylvania, and being more fully bounded and described as follows:

COMMENCING AT A POINT on or near the Eastern curb line of the Lincoln Highway; thence South 66 degrees 40 minutes 00 seconds East, 390.70 feet to a point, and South 34 degrees 01 minute 00 seconds East, 61.31 feet to the TRUE POINT OF BEGINNING; thence extending along the Brandywine Creek the following nine courses and distances: (1) South 34 degrees 01 minutes 00 seconds East, 54.39 feet to a point; (2) South 08 degrees 33 minutes 00 seconds West, 98.00 feet to a point; (3) South 04 degrees 42 minutes 00 seconds West, 137.00 feet to a point; (4) South 14 degrees 40 minutes 00 seconds West, 70.00 feet to a point; (5) South 28 degrees 42 minutes 00 seconds West, 116.00 feet to a point; (6) South 33 degrees 26 minutes 00 seconds West, 58.00 feet to a point; (7) South 48 degrees 10 minutes 00 seconds West, 52.10 feet to a point; (8) South 40 degrees 21 minutes 00 seconds West, 135.90 feet to a point; and (9) South 38 degrees 40 minutes 00 seconds West, 148.00 feet to a point; thence leaving the Brandywine Creek North 38 degrees 00 minutes 00 seconds West, 278.05 feet to a point; thence North 51 degrees 40 minutes 00 seconds East, 226.01 feet to a point; thence 38 degrees 00 minutes 00 seconds West, 112.00 feet to a point; thence North 51 degrees 40 minutes 00 seconds East, 487.11 feet to the TRUE POINT OF BEGINNING.

CONTAINING 4.01 acres, more or less.

Section 4. Lands to be obtained by Downingtown Borough on which Project 70 restrictions are to be imposed.

The property to be acquired by the Borough of Downingtown upon which Project 70 restrictions are to be imposed is as follows:

ALL THAT CERTAIN tract of land situated on the North side of Lincoln Avenue and on the West side of Chestnut Street in the Borough of Downingtown, Chester County, Commonwealth of Pennsylvania, and being more fully bounded and described as follows:

BEGINNING AT A POINT in or near the center line of Chestnut Street at its intersection with the center line of Lincoln Avenue; thence in or near the center line of East Lincoln Avenue North 87 degrees 30 minutes 00 seconds West, 639.61 feet to a point; thence leaving Lincoln Avenue North 02 degrees 30 minutes 00 seconds East, 274.78 feet to a point; thence South 20 degrees 53 minutes 00 seconds East, 47.03 feet to a point; thence North 69 degrees 45 minutes 00 seconds East, 594.35 feet to a point in or near the center line of Chestnut Street; thence in and along the center line of East

Chestnut Street South 06 degrees 25 minutes 00 seconds East, 61.90 feet to a point; thence leaving Chestnut Street South 83 degrees 35 minutes 00 seconds West, 160.00 feet to a point; thence South 06 degrees 25 minutes 00 seconds East, 170.00 feet to a point; thence North 83 degrees 35 minutes 00 seconds East, 160.00 feet to a point in or near the center line of Chestnut Street; thence along the same, South 06 degrees 25 minutes 00 seconds East, 235.60 feet to the POINT OF BEGINNING.

CONTAINING 4.22 acres, more or less.

Section 5. Restriction.

Project 70 restrictions shall be imposed on the lands described in sections 3 and 4 by the following deed clause:

This land is to be used for park, recreation and conservation purposes in accordance with provisions of the act of June 22, 1964 (Sp.Sess., P.L.131, No.8), known as the Project 70 Land Acquisition and Borrowing Act.

Section 6. Authorization for lands in Silver Spring Township, Cumberland County.

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 from the land owned by the Township of Silver Spring, Cumberland County, described in section 7 in exchange for the imposition of Project 70 restrictions on the land described in section 8 to be obtained by the Township of Silver Spring, Cumberland County.

Section 7. Land in Silver Spring Township to be released from Project 70 restrictions.

All that certain lot, piece or parcel of land situate in the Township of Silver Spring, Cumberland County, designated Lot 4A on the 2 lot final subdivision plan of Project 70 Property prepared by Pennoni Associates, Inc., and being more particularly described as follows, to wit:

Beginning at a point in the center line of Carlisle Pike, the point being a common corner for this lot and lands now or formerly of Fredrick C. and Carole M. Frattaroli; thence south 87 degrees 19 minutes east 548 feet along said center line of Carlisle Pike to a common corner with lands now or formerly of Lawrence Associates, Inc.; thence along the common line with lands of Lawrence Associates, Inc., south 4 degrees 11 minutes 19 seconds west 465.77 feet to a point; thence continuing along lands of Lawrence Associates, Inc., and along lands now or formerly of Jesse N. Aycock south 65 degrees 01 minute 17 seconds west 503.68 feet to a point; thence by a new line of subdivision through Project 70 Property and along the common line with Lot 4 of the aforesaid plan of Project 70 Property north 25 degrees 12 minutes west 191.70 feet to a common corner with the aforesaid lands of Frattaroli; thence by said lands north 2 degrees 41 minutes east 530 feet to the point and place of beginning.

Containing 7.29 acres, more or less.

Section 8. Two parcels of land on which Project 70 restrictions are to be imposed.

PARCEL NUMBER 1

All that certain tract of land situate on the northeasterly side of S.R. 0114 (New Willow Mill Road), also known as Pa. Route 114, approximately 5,000 feet southeasterly from the intersection of I-81 in the Township of Silver Spring, County of Cumberland, and Commonwealth of Pennsylvania, more particularly bounded and described as follows:

Beginning at a point on the northeasterly legal right-of-way line of public highway S.R. 0114 (New Willow Mill Road, Pa. Route 114) at a corner of land now or formerly of William Stuart Hench III; thence along said lands now or formerly of William Stuart Hench III, North 61 degrees 34 minutes East, a distance of 140.07 feet to a point on the southwesterly side of the Conodoguinet Creek; thence along said lands now or formerly of William Stuart Hench III and the southwesterly side of the Conodoguinet Creek the following ten courses and distances: (a) South 40 degrees 43 minutes East, a distance of 194.10 feet to a point; (b) South 43 degrees 8 minutes East, a distance of 500.00 feet to a point; (c) South 68 degrees 13 minutes East, a distance of 108.30 feet to a point; (d) South 27 degrees 29 minutes East, a distance of 104.84 feet to a point; (e) South 46 degrees 41 minutes East, a distance of 100.05 feet to a point; (f) South 60 degrees 50 minutes East, a distance of 108.47 feet to a point; (g) South 43 degrees 53 minutes East, a distance of 200.25 feet to a point; (h) South 36 degrees 27 minutes East, a distance of 100.32 feet to a point; (i) South 31 degrees 26 minutes East, a distance of 112.04 feet to a point; and (j) South 17 degrees 48 minutes East, a distance of 62.31 feet to a point on the northeasterly legal right-of-way line of public highway S.R. 0114 (New Willow Mill Road, Pa. Route No. 114); thence along said legal right-of-way line of S.R. 0114 (New Willow Mill Road) the following five courses and distances: (a) South 57 degrees 58 minutes 9 seconds West, a distance of 101.83 feet to a point on a curve; (b) on a curve to the left having a radius of 2,059.86 feet (a chord of North 37 degrees 21 minutes 22 seconds West, 617.48 feet), an arc distance of 619.82 feet to a point; (c) North 45 degrees 58 Minutes 34 seconds West, a distance of 8.85 feet to a point; (d) North 57 degrees 17 minutes 10 seconds West, a distance of 203.96 feet to a point; and (e) North 45 degrees 58 minutes 34 seconds West, a distance of 757.98 feet to a point on said legal right-of-way line of public highway S.R. 0114 (New Willow Mill Road, Pa. Route 114), the place of beginning.

Containing 3.72 acres, more or less.

PARCEL NUMBER 2

All that certain lot, piece or parcel of land situate in the Township of Silver Spring, Cumberland County, as shown on the Potteiger Subdivision Plan prepared by Pennoni Associates, Inc., and being more particularly described as follows, to wit:

Beginning at a point, said point an iron pin at the southeast corner of the intersection of the southern line of South Alley with the eastern line of a 50 feet wide proposed right-of-way; thence from said point of beginning and along the southern line of South Alley, north 81 degrees 30 minutes east a distance of 347.28 feet to an iron pin set at the northwest corner of a 2.12-acre tract of land about to be conveyed to the Township of Silver Spring by Russell L. Potteiger and Robert L. Potteiger; thence by said land, south 16 degrees 26 minutes 23 seconds east a distance of 495.03 feet to an iron pin set at lands of the New Kingston Fire Company; thence along said lands, south 65 degrees 35 minutes 41 seconds west a distance of 357.75 feet to an iron pin set on the eastern line of the aforementioned right-of-way; thence along said right-of-way, north 15 degrees 26 minutes 23 seconds west a distance of 592.67 feet to a point, the place of beginning.

Containing 4.35 acres, more or less.

Section 9. Use of sale proceeds.

An amount not to exceed \$40,000 from the proceeds of the sale of the land described in section 7 may be used by the Township of Silver Spring to acquire Parcel Number 2 of the land described in section 8. The balance of the sale proceeds shall be deposited into a special account established by the Township of Silver Spring for acquisition and development of park, recreation and open space lands. None of the sale proceeds shall be disbursed from this special account until a plan is developed for use of the funds by the Township of Silver Spring and until the plan has been approved by the Department of Conservation and Natural Resources. Any sale proceeds remaining in the special account five years after the date of deposit by the Township of Silver Spring shall be paid to the Commonwealth for deposit into the Project 70 Land Acquisition Sinking Fund.

Section 10. Effect on existing conveyance.

Any conveyance pursuant to the act of April 29, 1994 (P.L.155, No.27), entitled "An act authorizing the release of Project 70 restrictions on certain land owned by the Township of Silver Spring, Cumberland County, in return for the imposition of Project 70 restrictions on certain land to be obtained by the Township of Silver Spring, Cumberland County," prior to the effective date of this act shall be deemed to have been lawfully made from the date of such conveyance.

Section 11. Repeal.

The act of April 29, 1994 (P.L.155, No.27), entitled "An act authorizing the release of Project 70 restrictions on certain land owned by the Township of Silver Spring, Cumberland County, in return for the imposition of Project 70 restrictions on certain land to be obtained by the Township of Silver Spring, Cumberland County," is repealed.

Section 12. Effective date.

This act shall take effect immediately.

APPROVED—The 25th day of June, A.D. 1999.

THOMAS J. RIDGE