

No. 2008-94

## AN ACT

SB 1308

Authorizing the Pennsylvania Fish and Boat Commission to grant and convey to Solebury Township, certain lands situate in Solebury Township, Bucks County; and authorizing the Department of General Services, with the approval of the Governor, to convey a certain easement in the City of Philadelphia.

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

Section 1. Solebury Township, Bucks 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 Pennsylvania Fish and Boat Commission is hereby authorized on behalf of the Commonwealth of Pennsylvania to grant and convey to Solebury Township a portion of its Ingham Spring property, known as the Kate Smith Tract situate in Solebury Township, Bucks County, and acquired by the commission by deed recorded in the Bucks County Recorder of Deeds Office in Deed Book 1848, Page 949. The commission is further authorized on behalf of the Commonwealth of Pennsylvania to grant and convey to Solebury Township a portion of its Ingham Spring property, known as the Judy Tract, situate in Solebury Township, Bucks County, and acquired by the commission by deed recorded in Bucks County Recorder of Deeds Office Book 577, Page 223.

(b) Description.—The property to be conveyed pursuant to this section consists of approximately 47.986 acres, and all improvements thereon, bounded and more particularly described as follows:

TRACT NO. 1

Premises "A"

ALL THAT CERTAIN message and lot or piece of ground with the spring or springs of water arising thereout, formerly known as the Ingham Spring, situate in the Township of Solebury, County of Bucks and Commonwealth of Pennsylvania, bounded and described as follows, to wit:

BEGINNING at a point in the middle of a public road called Spring Road (now Lower Mountain Road) which leads into the Lahaska and New Hope Turnpike Road (now State Route 202); thence extending along the middle of the said Spring Road North 14 degrees 50 minutes East 15.14 perches to another point, in the middle of the said Spring Road; thence still extending along the middle of the said road North 32 degrees East 26.14 perches to another point in the middle of the Lahaska and New Hope Turnpike Road; thence along the middle of the last mentioned Road North 71.5 degrees East 22.62 perches to another point in the middle of said Turnpike Road; thence extending by lands formerly of Andrew Jackson Beaumont now or late of

Richard V. Mattison, South 10.75 degrees East 45.17 perches to a corner in other land formerly of Andrew Jackson Beaumont, now or late of the Solebury Deer Park Association; thence by the same land South 80 degrees West 27.01 perches to a stake; thence still by the same land South 75 degrees 50 minutes West 3.06 perches to a stump; and thence still by the same land North 72 degrees 25 minutes West 19.64 perches to the place of BEGINNING.

CONTAINING 10 acres of land, more or less.

EXCEPTING AND RESERVING all that certain messuage and lot or piece of ground with a spring of water arising there out, formerly known as the Ingham Spring, situate in the Township of Solebury, County of Bucks and Commonwealth of Pennsylvania, bounded and described as follows, to wit:

BEGINNING at a point in the center of Lower Mountain Road also known as Spring Road being the southwestern most point and point of beginning of the aforementioned parcel; thence continuing along the centerline of the said road North 14 degrees 44 minutes 5 seconds East 120 feet to a point; thence South 75 degrees 15 minutes 55 seconds East 50 feet to a point; thence South 15 degrees 55 minutes 30 seconds East 146.77 feet to a point on the common line of lands now or formerly of Solebury Deer Park; thence North 72 degrees 23 minutes 52 seconds West 125 feet to the point of BEGINNING.

CONTAINING 0.244 acres of land, more or less.

Premises "B"

ALL THAT CERTAIN tract or piece of land situate in Solebury Township, on which is a body of water known as the "Big Dam," bounded and described as follows, to wit:

BEGINNING at an iron pin in the middle of the New Hope and Lahaska Turnpike Road a corner of land formerly of Henry C. Ward and Charles G. Foster, now or late of Richard V. Mattison; thence along the middle of said Turnpike North 71.5 degrees East 48.71 perches to an iron pin a corner of land now of late of Thomas T. Pool; thence along said land at a right angle with the middle of the said Turnpike South 18.5 degrees East 52.30 perches, (said line being 72 feet East or below the overflow in the head race from said dam) to a stake in line of land belonging now or late to Solebury Deer Park Association; thence along said land South 80 degrees West 55.80 perches to a stake a corner of land of said Henry C. Ward and Charles G. Foster; thence along the same North 10 degrees 40 minutes West 45.17 perches to the place of BEGINNING.

CONTAINING 15 acres and 115 square perches of land, more or less.

TRACT NO. 2

BEGINNING at a point in the center line of U.S. Route 202; thence and by the center line of U.S. Route 202 North 71 degrees 50 minutes East a distance of 310.7 feet, more or less, to a point; thence and continuing by the center line of U.S. Route 202 North 72 degrees 30 minutes East a distance of 637.3 feet, more or less, to a point, said point being the northeast corner of the herein described tract; thence South 17 degrees 26 minutes East a

distance of 1,104.86 feet, more or less, to a point; thence South 71 degrees 22 minutes West a distance of 403.23 feet, more or less, to a point; thence South 85 degrees 57 minutes West a distance of 172 feet, more or less, to a point; thence North 21 degrees 55 minutes West a distance of 162 feet, more or less, to a point; thence South 79 degrees 45 minutes West a distance of 354.8 feet, more or less, to a point; thence North 18 degrees 10 minutes West a distance of 863.12 feet, more or less, to the point and place of BEGINNING.

CONTAINING 22.51 acres of land, more or less.

(c) Purpose of conveyance.—The Pennsylvania Fish and Boat Commission is authorized to convey the property described in subsection (b) to Solebury Township, Bucks County, to be used for recreation, conservation and historical purposes, as said purposes are defined in the Project 70 Land Acquisition and Borrowing Act. The commission shall convey the property to the township for fair market value as determined by a licensed certified appraiser conforming to the Uniform Appraisal Standards for Federal Land Acquisitions and taking into account the restrictive covenants, easements and reservations set forth in the agreement between the commission and the township for the property and made part of the public record.

(d) Conditions.—The conveyance shall be made under and subject to all lawful and enforceable easements, servitudes and rights of others, including, but not confined to, streets, roadways and rights of any telephone, telegraph, water, electric, gas or pipeline companies, and the agreement described in subsection (c), as well as under and subject to any lawful and enforceable estates or tenancies vested in third persons appearing of record or visible in the field, for any portion of the land or improvements erected thereon.

(e) Land use restriction.—All deeds or leases authorized or referred to under this section shall be made under and subject to the condition, which shall be contained in the deed or lease documents, that no portion of the parcels shall be used as a licensed facility as defined in 4 Pa.C.S. § 1103 (relating to definitions) or any other similar type of facility authorized under the laws of this Commonwealth. This condition shall be a covenant running with the land and shall be binding upon the deed or lease or sublessees and their respective successors and assigns. Should any portion of any parcel authorized for conveyance under this section be used in violation of this subsection, the title shall immediately revert to and revest in the grantor.

(f) Execution of deed.—The deed of conveyance from the commission to the township shall be a special warranty deed and shall be executed by the executive director of the commission in the name of the Commonwealth of Pennsylvania for use by the commission and shall be approved for legality and form by the commission's counsel and the Office of Attorney General.

(g) Costs and fees.—All costs and fees incidental to this conveyance shall be borne by the township and provided for at closing.

(h) Deposit of proceeds.—All proceeds from the sale of the property described in subsection (b) shall be deposited in a restricted revenue account

within the Fish Fund and used for the acquisition of lands meeting the standards for acquisition described in section 18(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.

(i) Reversion.—In the event the property described in subsection (b) is not used for recreation, conservation and historical purposes, as defined in the Project 70 Land Acquisition and Borrowing Act, ownership of the property shall revert to the Commonwealth. This provision shall be specified in the deed of conveyance.

#### Section 2. Conveyance in the City of Philadelphia.

(a) Authorization.—The Department of General Services, with the approval of the Governor, is hereby authorized on behalf of the Commonwealth of Pennsylvania to grant and convey to the City of Philadelphia, or its assigns, an easement for sanitary sewer purposes, across lands of the Commonwealth of Pennsylvania situate in the City of Philadelphia, Commonwealth of Pennsylvania, for one dollar.

(b) Description of easement.—The easement to be conveyed pursuant to this section is more particularly described as follows:

ALL THAT CERTAIN right-of-way or easement of land situate in the city of Philadelphia, and Commonwealth of Pennsylvania as shown on a plan entitled "Sanitary Right-of-Way Plan", prepared by Langan Engineering & Environmental Services, Inc., dated 10/10/07 and being more fully bounded and described as follows:

BEGINNING at the point on the southerly line of lands now or formerly of the Commonwealth of Pennsylvania, said point being measured the following 3 courses from the intersection of the northeasterly right-of-way line of Southampton Road (60 feet wide) and the southeasterly right-of-way line of Carter Road; thence,

a) Along the southeasterly right-of-way line of Carter Road, North 41 degrees 04 minutes 22 seconds East, a distance of 1403.310 feet; thence,

b) Still along the same, North 46 degrees 06 minutes 32 seconds East, a distance of 928.552 feet; thence,

c) Leaving said line of Carter Road and extending along the line of lands now or formerly of the Commonwealth of Pennsylvania, South 43 degrees 53 minutes 28 seconds East, a distance of 332.934 feet to the point of beginning; thence,

1. North 11 degrees 12 minutes 07 seconds East, a distance of 89.980 feet to a point; thence,

2. South 78 degrees 47 minutes 53 seconds East, a distance of 50.000 feet to a point; thence,

3. South 11 degrees 12 minutes 07 seconds West, a distance of 124.869 feet to a point; thence,

4. North 43 degrees 53 minutes 28 seconds West a distance of 60.970 feet to the first mentioned point and place of BEGINNING.

Encompassing an area of 5,371 square feet or 0.123 acres of land, more or less.

(c) Conditions of conveyance.—The conveyance shall be made under and subject to all lawful and enforceable easements, servitudes and rights of others, including, but not limited to, streets, roadways and rights of any telephone, telegraph, water, electric, gas or pipeline companies, as well as under and subject to any lawful and enforceable estates or tenancies vested in third persons appearing of record, for any portion of the land or improvements erected thereon.

(d) Deed of easement.—The deed of easement shall contain such terms and conditions as shall be acceptable to the Department of General Services and 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 and fees.—Costs and fees incidental to this conveyance shall be borne by the grantee and paid to the Department of General Services.

Section 3. Effective date.

This act shall take effect immediately.

APPROVED—The 8th day of October, A.D. 2008.

EDWARD G. RENDELL