

No. 132

AN ACT

Authorizing the Department of Property and Supplies, with the approval of the Governor, to grant, bargain, sell, convey and release to the Borough of Hamburg an easement in lands situate in the Township of Windsor, Berks County.

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

Real property.

Section 1. The Department of Property and Supplies, with the approval of the Governor, is hereby authorized on behalf of the Commonwealth of Pennsylvania to grant, bargain, sell, convey and release to the Borough of Hamburg, its successors and assigns, for the consideration of one dollar (\$1), an easement in, over and above the following described land situate in the County of Berks, State of Pennsylvania, to wit:

Department of Property and Supplies with approval of Governor, authorized to grant an easement in Windsor Township, Berks County.

All that certain tract or piece of land lying immediately to the north of Pennsylvania State Highway U. S. Route No. 22, between Hamburg and Lenhartsville in the Township of Windsor, County of Berks and Commonwealth of Pennsylvania, as shown on the plan attached and made a part hereof, and in accordance with a survey made by Frankhouser Associates, Inc., Engineers and Surveyors of Reading, Pennsylvania, more fully bounded and described as follows, to wit:

Description.

Beginning at a concrete monument a corner of land now or late of Paul F. Reidenhour and Ruth E. Reidenhour, his wife; thence extending along land now or late of Calvin J. Mengel and Naoma S. Mengel, his wife, the two following courses and distances: (1) south 70 degrees 32 minutes west 478.35 feet to a concrete monument, (2) south 50 degrees 2½ minutes west 57.44 feet to a point; thence extending along land now or late of the Commonwealth of Pennsylvania, the five following courses and distances: (1) south 80 degrees 37 minutes west 87.32 feet to a point, (2) north 34 degrees 43 minutes west crossing Mill Creek 330.82 feet to a point, (3) north 29 degrees 26¾ minutes east 533 feet to a copperweld pin, (4) south 82 degrees 53¼ minutes east 344.12 feet to a spike, (5) in a northeasterly direction following the flood easement contour elevation 521.30 of the Datum Plane taken from U. S. Coast and Geodetic Survey mark on brass plate at the base of the flagpole on property of the Commonwealth of Pennsylvania, said bench mark having an elevation of 543.95 feet, a distance of 80 feet, more or less, to a point on the division between land now or late of the Commonwealth of Pennsylvania and land now or late of Daniel L. Reidenhour and Maude M. Reidenhour, his wife; thence extending along land now or late of Daniel L. Reidenhour and Maude M.

Reidenhour, his wife, south 48 degrees .05 *minute east recrossing Mill Creek 385 feet, more or less, to a concrete monument; thence extending along land now or late of Paul F. Reidenhour and Ruth E. Reidenhour, his wife, south 36 degrees 21 $\frac{3}{4}$ minutes west 324.55 feet to the place of beginning.

Being part of the same premises which Sarah Stine, widow, Oscar J. Stine and Lydia M., his wife, and Thomas S. Stine and Alice L., his wife, Simon Swoyer and Ann, his wife, Catharine A. Miller, widow, Richard J. M. Miller and Susan, his wife, J. Jerome Miller and Amanda M., his wife, and Oscar A. Stitzel and Rose Z., his wife, by deed dated July 1, 1910, and recorded in Deed Book Vol. 363, page 425, Berks County Records, granted and conveyed unto the Commonwealth of Pennsylvania.

All that certain tract or piece of land situate along the westerly side of an earth lane leading from old U. S. Route No. 22 under the new Pennsylvania State Highway, U. S. Route No. 22, to Pennsylvania Legislative Route No. 06127 in the Township of Windsor, County of Berks and Commonwealth of Pennsylvania, as shown on the plan attached and made a part hereof, surveyed by Frankhouser Associates Inc. of Reading, Pennsylvania, in May, 1963, more fully bounded and described as follows, to wit:

Beginning at a point a corner in common between land of the Commonwealth of Pennsylvania and land of Morris W. Reidenhour, Paul F. Reidenhour and Ruth E. Reidenhour, his wife, Daniel L. Reidenhour and Maude M. Reidenhour, his wife; thence extending along land of Morris W. Reidenhour, Paul F. Reidenhour and Ruth E. Reidenhour, his wife, Daniel L. Reidenhour and Maude M. Reidenhour, his wife, the two following courses and distances: (1) north 35 degrees 8 $\frac{1}{4}$ minutes east 78.90 feet to a concrete monument, (2) north 21 degrees 35 minutes east 65 feet, more or less, to a point; thence extending in a southerly and southwesterly direction along the design high water mark contour elevation 519 as established from the Datum Plane of the United States Coast and Geodetic Survey taken from bench mark on the brass plate at the base of the flagpole on property of the Commonwealth of Pennsylvania, said bench mark having an elevation of 543.95 feet partly following the edge of the earth lane leading to old U. S. Route No. 22 a distance of 140 feet, more or less, to a point; thence extending through land of the Commonwealth of Pennsylvania the seven following courses and

* "minutes" in original.

distances: (1) south 9 degrees 27 $\frac{3}{4}$ minutes west crossing said earth lane 106.62 feet to a point, (2) south 34 degrees 56 $\frac{1}{4}$ minutes west 147.23 feet to a copperweld pin in the middle of said earth lane, (3) partly crossing said earth lane and crossing a small stream of water north 89 degrees 20 minutes west 129.69 feet to a point on the west side of said stream, (4) following the easterly easement line west of the small stream in a southerly direction approximately 600 feet to a point, (5) north 41 degrees 24 minutes west 428 feet to a point, (6) north 2 degrees 35 minutes east 415 feet to a point, (7) north 37 degrees 30 minutes east 76.95 feet to a point; thence extending along land of Morris W. Reidenhour, Paul F. Reidenhour and Ruth E. Reidenhour, his wife, and Daniel L. Reidenhour and Maude M. Reidenhour, his wife, south 85 degrees 56 $\frac{1}{2}$ minutes east 649.80 feet to the place of beginning.

Being part of the same premises which Sarah Stine, widow, Oscar J. Stine and Lydia M., his wife, Thomas S. Stine and Alice L., his wife, Simon Swoyer and Ann, his wife, Catharine A. Miller, widow, Richard J. M. Miller and Susan, his wife, J. Jerome Miller and Amanda M., his wife, and Oscar A. Stitzel and Rose Z., his wife, by deed dated July 1, 1910, and recorded in Deed Book Vol. 363, page 425, Berks County Records, granted and conveyed unto the Commonwealth of Pennsylvania.

The easements are granted for or in connection with the construction, operation, maintenance and inspection of a flood water retarding structure designated as site Pa. 476 and Pa. 477 in the plans for Kaercher Creek Watershed, said structure to be located on the above described lands and for the flowage of any waters in, over, upon or through such structure and for the permanent storage and temporary detention, either or both, of any waters that are impounded, stored or detained by such structure.

The conveyance shall be made subject to the following conditions:

(1) In the event construction on the above described structure or improvement is not commenced within eighty-four months from the date hereof, the rights and privileges herein granted shall at once revert to and become the property of the grantor, its successors and assigns.

(2) The easement includes the right of ingress, egress and regress at any time over and upon the above described land of the grantor.

(3) There is reserved to the grantor, its successors and assigns, the right and privilege to use the above described land at any time in any manner and for any

purpose not inconsistent with the full use and enjoyment by the grantee, its successors and assigns of the rights and privileges herein granted.

(4) The grantee is responsible for operating and maintaining the above described structure or improvement.

(5) The grantor as part of the consideration of executing this easement and agreement with the grantee hereby grants unto Morris W. Reidenhour, singleman, Paul F. Reidenhour and Ruth E. Reidenhour, his wife, and Daniel L. Reidenhour and Maude M. Reidenhour, his wife, all of Hamburg R. D. No. 2, Pennsylvania, and their respective executors, administrators, heirs and assigns, the right of ingress, egress and regress to the permanent pools designated Pa. 476 and Pa. 477 over the land of the grantor herein described and also the right to the said named persons to obtain water from the said pools for irrigation purposes.

(6) The grantee will relocate at its sole expense the existing access road to the area used for storing various materials from its present location to a location above the emergency spillway to be constructed.

Approval and
execution of
deed.

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.

Act effective
immediately.

Section 3. This act shall take effect immediately.

APPROVED—The 11th day of July, A. D. 1963.

WILLIAM W. SCRANTON

No. 133

AN ACT

Amending the act of May 31, 1945 (P. L. 1198), entitled "An act providing for the conservation and improvement of land affected in connection with the mining of bituminous coal by the open pit mining method; regulating such mining; and providing penalties," requiring all bituminous open pit mining operators to be licensed; requiring operators to obtain permits for each operation; requiring consent to certain acts by landowners; increasing the amount of bonds required; providing for the suspension of licenses; further regulating backfilling and planting; creating a Land Reclamation Board, and defining its powers and duties; creating a Bureau of Conservation and Reclamation within the Department of Mines and Mineral Industries; providing that citizens may institute proceedings to compel enforcement of the act; and imposing penalties and sanctions.