

## No. 1994-27

## AN ACT

## HB 2228

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.**

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 2 in exchange for the imposition of Project 70 restrictions on the land described in section 3 to be obtained by the Township of Silver Spring, Cumberland County.

**Section 2. Land 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 3 on the 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 2 minutes west 463.81 feet to a point; thence continuing along lands of Lawrence Associates, Inc., and along lands now or formerly of Jesse N. Aycock south 64 degrees 48 minutes west 505.74 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 192.55 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 7.30 acres, more or less.

**Section 3. Two parcels of land on which Project 70 restrictions are to be imposed.**

**PARCEL NUMBER 1**

All that certain lot, piece or parcel of land situate in the Township of Silver Spring, Cumberland County, being designated Lot 2, as shown on the

final subdivision plan of Jesse N. Aycock Property prepared by Pennoni Associates, Inc., and being more particularly described as follows, to wit:

Beginning at a point on the northwesterly boundary lines of lands of Jesse N. Aycock, the point being a common corner for this lot and Lot 1 of the aforesaid plan of Jesse N. Aycock, the point being distant the following 2 courses from the intersection of lands now or formerly of Lawrence Associates, Inc., and lands now or formerly of the Township of Silver Spring and the southeasterly side of Carlisle Pike, 60 feet from the center line thereof; thence south 4 degrees 2 minutes west 403.79 feet to a point; thence continuing along lands of Lawrence Associates, Inc., lands of Township of Silver Spring and lands of Aycock, south 64 degrees 48 minutes west 505.74 feet to the point of beginning; thence by two new lines of subdivision through said lands of Aycock south 25 degrees 12 minutes east 348.51 feet to a point; thence continuing along lands of Aycock and along an existing fence line south 63 degrees 45 minutes 28 seconds west 565 feet to a point on the common line with lands now or formerly of Rodger E. & Leah J. Hoke; thence north 40 degrees 12 minutes 53 seconds west 371.46 feet to a point on the common line with lands now or formerly of Township of Silver Spring; thence north 64 degrees 48 minutes east 661.14 feet to the point and place of beginning.

Containing 4.98 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 4. Deed restriction.

The restriction to be included in the deed of conveyance for the two parcels of land described in section 3 shall read as follows:

This indenture is given to provide land for recreation, conservation and historical purposes as said purposes are defined in the Project 70 Land Acquisition and Borrowing Act.

**Section 5. Use of sale proceeds.**

An amount not to exceed \$40,000 from the proceeds of the sale of the land described in section 2 may be used by the Township of Silver Spring to acquire Parcel Number 2 of the land described in section 3. 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 Community Affairs. 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 6. Effective date.**

This act shall take effect immediately.

APPROVED—The 29th day of April, A.D. 1994.

ROBERT P. CASEY