

## No. 2002-228

## AN ACT

## HB 1974

Authorizing the release of Project 70 restrictions on certain lands owned by Northumberland County in return for imposition of Project 70 restrictions on other lands owned by the Northumberland County Development Corporation.

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 lands described in section 2 in exchange for imposition of Project 70 restrictions on the lands described in section 3.

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

The property of Northumberland County to be released from Project 70 restrictions is as follows:

**PARCEL A**

ALL that certain tract, piece or parcel of ground situate in Point Township, Northumberland County, Pennsylvania, more particularly described as follows:

BEGINNING at a stone monument located in the northeastern line of the Borough of Northumberland, County of Northumberland and State of Pennsylvania, the northeast corner of lands of Clara V. Diehl, and at the toe of the south slope of the tow-path on the southeast side of the Pennsylvania Canal, said canal paralleling the tracks of the Delaware, Lackawanna and Western Railroad, north of said canal, leading from said Borough of Northumberland to the Borough of Danville, and being one hundred fifty-two (152) feet South 34 degrees 30 minutes East from the stone monument in the said northeast line of Northumberland Borough, the second stone monument marking the northwest right-of-way line of said Delaware, Lackawanna and Western Railroad and being the southwest corner of other lands (golf course) of the Northumberland American Legion Post 44; thence along the southeast toe of a slope of said tow-path, for the following courses and distances: North 47 degrees 30 minutes East, 883.2 feet; North 52 degrees 30 minutes East, 528.1 feet; North 53 degrees 10 minutes East, 478 feet on the west side of an earth lane leading from Pennsylvania Department of Highways Route 11, southwardly to these premises and North 59 degrees 01 minute East, 2150 feet to an iron pipe corner, said corner being 200 feet, more or less, southwestwardly from the west side of Johnson's Run; thence South 10 degrees 04 minutes East, along other lands of the Northumberland Legion Post 44, for a distance of eight hundred five (805) feet to an iron

pipe corner, two hundred (200) feet, more or less, southwestwardly from the west side of said Johnson's Run; thence South 41 degrees 34 minutes East, at approximately two hundred (200) feet distant, southwestwardly, from the west side of said Johnson's Run, for a distance of two hundred eighty-nine (289) feet, more or less, to an iron pipe corner in the northwest bank or shore line of the North Branch of the Susquehanna River; thence in southwestwardly direction, more or less, along said northwest bank of said Susquehanna River, for a distance of three thousand six hundred fifty (3650.0) feet, more or less, to an iron pipe corner, on the northeastern line of Northumberland Borough; thence along said northeast line of said Northumberland Borough, and along the northeast line of lands of Clara V. Diehl, North 34 degrees 30 minutes West, for a distance of seven hundred sixty-two (762.0) feet, more or less, to the stone monument, the place of beginning, being vacant land, cultivated fields and woodlands, and containing eighty-six and eight tenths (86.8) acres, more or less. The foregoing description is in accord with a survey made by Harry W. Jones, P.E., dated September 10, 1968.

TOGETHER with the full, free, liberty and right at all times hereafter and forever to have and use a passageway or lane hereinafter described from the present or new highway between Northumberland and Danville south to the right-of-way of the Delaware, Lackawanna and Western Railroad Company for any and all purposes connected with the use, enjoyment and occupation of the premises herein conveyed.

The said right-of-way is over that certain piece or parcel of land situate in Point Township, Northumberland County, Pennsylvania, more particularly bounded and described as follows:

BEGINNING at a point on the southwesterly 100.00 foot wide right of way line of P.D.H. RT. No. 11, in the easterly line of lands conveyed to Raymond C. Fasold from Kenneth J. Rodkey, May 28, 1955, and recorded in Deed Book 371, at page 26; thence in a southeasterly direction along the westerly line of the herein described right of way, and along the above described lands, on a course South 34 degrees 15 minutes East, a distance of 362.3 feet more or less, to a point in the northeasterly right of way line of the D.L. & W. Railroad Co., thence in a northeasterly direction along the northeasterly right of way line of the D.L. & W. Railroad Co., and along a curve to the right, on a chord course of North 59 degrees 01 minute East, a chord distance of 25.04 feet to a point in the westerly line of lands conveyed to Raymond C. Fasold from Laurence Feaster, Nov. 18, 1950, and recorded in Deed Book 346, at page 47; thence in a northwesterly direction along the easterly line of the herein described right of way, and along the above described lands, on a course of North 34 degrees 15 minutes West, a distance of 363 feet more or less, to a point on the southwesterly 100.00 foot wide right of way line of P.D.H. RT. No. 11; thence in a southwesterly direction along the southwesterly 100.00 foot right of way line of P.D.H. RT. No. 11, and along a curve to the left, on a chord course of South 57

degrees 26 minutes West, a chord distance of 25.0 feet to the place of beginning. Containing 9066.04 Sq. Ft. (0.21 Ac.) of land. All as shown on a map of the same prepared by John X. J. Callahan, P.E., a Registered Professional Engineer, dated May 1969, and now or about to be recorded.

BEING part of the same premises which Leon B. Epler and Elizabeth K. Epler, his wife, by their deed dated March 8, 1946 and recorded March 8, 1946 in Deed Book No. 311, page 89, of Northumberland County, Pennsylvania, granted and conveyed unto Northumber-Land Legion Home Association, the Grantor herein.

RESERVING unto the Grantor, its successors and assigns, the full, free liberty and right at all times hereafter forever to have and use a passageway over the premises herein conveyed to other land now owned by the Grantor adjoining the premises herein conveyed (a deed of grant for which is to be made upon the completion of plans for the development of the premises herein conveyed) for any and all purposes connected with the use and occupation of the said other land now owned by the Grantor adjoining the premises herein conveyed.

#### PARCEL B

ALL THAT CERTAIN tract of land situate in West Chillisquaque Township, Northumberland County, Pennsylvania, bounded and described as follows, to wit:

BEGINNING at a point at low water mark on the south bank of the Chillisquaque Creek, said point being in the western right-of-way line the old Pennsylvania Canal, now the property of the Penn-Central Railroad Company, and being on the east side, and adjacent to a private stone and concrete arch bridge over Chillisquaque Creek; thence by the western right-of-way line of the old Pennsylvania Canal (now Penn-Central Railroad) the following seven (7) courses and distances:

South 24 degrees 33 minutes east, 40.00 feet to a stone monument; south 12 degrees 33 minutes east, 596.91 feet to a stone monument; south 12 degrees 48 minutes east, 250.43 feet to a stone monument; south 9 degrees 16 minutes east, 79.19 feet to a stone monument; thence south 2 degrees 23 minutes east, 79.42 feet to a stone monument; south 1 degree 56 minutes west, 200.25 feet to a stone monument; south 1 degree 56 minutes west, 39.13 feet to a stone monument; thence by lands of Robert Snyder, south 62 degrees 45 minutes west a distance of 1670.53 feet to an iron pin on the east bank of the West Branch of the Susquehanna River at low water mark; thence north along low water mark of the Susquehanna River the following two (2) courses and distances: north 20 degrees 16 minutes west, 596.62 feet to a point; north 0 degrees 32 minutes west, a distance of 323.11 feet to a point at the mouth of Chillisquaque Creek; thence up Chillisquaque Creek the following four (4) courses and distances: north 25 degrees 37 minutes east, 294.96 feet to a point at low water mark on the south bank of said creek; north 36 degrees 42 minutes east, 257.55 feet to a point at low water mark; north 48 degrees 47 minutes east, 297.96 feet to a point at low water

mark; north 64 degrees 13 minutes east, 1087.80 feet to a point on the east side of aforementioned bridge, the place of beginning.

CONTAINING 48.4 acres.

There is also hereby conveyed to the Grantee the following right-of-way across the lands of Jay F. Bacon et ux and which right-of-way leads from the township road leading southwardly from Route 147 to the Chillisquaque Creek.

BEGINNING at a point at low water mark on the south bank of Chillisquaque Creek, said point being the northeast corner and place of beginning of the above described tract; thence along the western right-of-way line of the old Pennsylvania Canal (now the Penn-Central Railroad) the following seven (7) courses and distances: north 24 degrees 33 minutes west, 173.20 feet to a point; north 21 degrees 28 minutes west, 800.70 feet to a point; north 17 degrees 23 minutes west, 133.00 feet to a point; north 3 degrees 53 minutes west, 71.60 feet to a point; north 13 degrees 37 minutes east 71.10 feet to a point; north 21 degrees 37 minutes east, 190.00 feet to a point; north 15 degrees 32 minutes east, 47.0 feet to a point in the western line of the above mentioned township road leading southwardly from Route 147; thence along the western line of said township road 51 feet to a point; thence along lands of Jay F. Bacon the following courses and distances: south 15 degrees 32 minutes west, 51 feet; south 21 degrees 37 minutes west, 190 feet; south 13 degrees 37 minutes west, 82.30 feet; south 3 degrees 53 minutes east, 85.22 feet; south 17 degrees 23 minutes east, 140.70 feet; south 21 degrees 28 minutes east, 803.96 feet; south 24 degrees 33 minutes east, 174.50 feet to a point on the northern line of the lands herein conveyed; thence along the same north 64 degrees 13 minutes east, 50.01 feet to the place of beginning. Being a right-of-way 50 feet in width across the lands of Jay F. Bacon from a township road leading southerly from Route 147 to the lands herein conveyed.

Being part of the same premises that William H. Mertz and Grace H. Mertz, his wife; Boyd F. Mertz and Maria A. Mertz, his wife; and Harold R. Mertz and Myrtle E. Mertz, his wife, by their deed dated February 26, 1963 and recorded in the Recorder's Office of Union County, Pennsylvania in Deed Book 424, at Page 500, granted and conveyed unto Jay F. Bacon and Ann L. Bacon, his wife, Grantors herein.

Section 3. Lands on which Project 70 restrictions are to be imposed.

The property owned by the Northumberland County Development Corporation upon which Project 70 restrictions are to be imposed is as follows:

ALL THOSE CERTAIN lots of ground situate in Lewis Township, Northumberland County, Pennsylvania, bounded and described as follows, to wit:

(1) BEGINNING at a stone on lands now or formerly of Levi Reinart, thence, North 27 degrees East, 68.9 perches to a stone on lands now or formerly of R.C. McClellan passing along lands now or formerly of

Benjamin F. Deisher; thence, along lands now or formerly of R.C. McClellan South 61 degrees East, 86.9 perches to a stone on lands now or formerly of Daniel P. Dreisbach; thence, along said Dreisbach lands South 80 degrees West, 109.2 perches, passing along lands now or formerly of B. Menges and Levi Reinart, on this course, to a stone on lines of Levi Reinart, to place of BEGINNING.

CONTAINING 18 acres and 113.9 perches of land.

(2) BEGINNING at a point in the center of a public road, thence along the center of said road South 78-1/2 degrees West, 40.5 perches to a point in the center of said road; thence North, along lands now or formerly of Charles Reinhart, North 1-1/4 degrees East, 67 perches to a stake; thence, along lands formerly of Frederick A. Meuschke, North 79 degrees East, 40.5 perches to a stone; thence, along lands now or formerly of D.P. Dreisbach South 3 degrees West, 66.5 perches to the place of BEGINNING.

CONTAINING 16 acres and 84 perches, more or less.

(3) BEGINNING at a stone in the Public Road leading from Turbotville to Comly, thence, West along lands now or formerly of Benjamin Menges, 67.2 rods to a stone on lands now or formerly of B.F. Deisher; thence, North along these lands 16-1/2 feet to lands now or formerly of Levi Reinart; thence, along these lands of Levi Reinart East 67.2 rods to a stone in the aforesaid Public Road; thence, South along this Public Road 16-1/2 feet to the place of BEGINNING.

CONTAINING one half acre of ground, more or less.

(4) BEGINNING at a stone, thence by lands now or formerly of Samuel Beibers heirs North 77-1/4 degrees East, 68.2 perches to a stone; thence, by lands now or formerly of D.H. Dreisbach South 67.2 perches to a stone in the road; thence, by said road South 77 degrees West, 10.6 perches to a stone; thence, by lands now or formerly of Mrs. Hills heirs North 14 degrees West, 14.25 perches to a stone; thence, along same North 77-3/4 West, 23.15 perches to a stone; thence, along lands now or formerly of John Weller North 14-3/4 degrees West, 17.95 perches to a stone; thence, along the same 77-1/4 degrees West, 33.4 perches to the place of BEGINNING.

CONTAINING 19 acres.

EXCEPTING AND RESERVING, therefrom, however, all that certain lot of ground described as (3) hereinabove.

BEING the same premises which M.F. Sports and Recreation Complex, Inc. and Thomas L. Moser, single person, by their Deed in Lieu of Foreclosure dated May 13, 1998 and recorded May 14, 1998, in the Office of the Recorder of Deeds in and for Northumberland County, Pennsylvania in Record Book 1159 at Page 473, granted and conveyed unto Harold T. Moser and Ruth K. Moser, his wife, Grantors herein.

Section 4. Restriction.

(a) Project 70 restrictions.—Project 70 restrictions shall be imposed on the lands described in section 3 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.

(b) Deed clause.—The deed of conveyance for the property described in section 2 shall contain a clause that the property shall be used for land conservancy purposes consistent with the purposes of the Project 70 Land Acquisition and Borrowing Act.

**Section 5. Sale of property.**

(a) Consideration.—Northumberland County may not sell the property described in section 2 for less than fair market value as determined by an independent appraisal.

(b) Proceeds.—The proceeds from the sale of the land described in section 2 shall be used by Northumberland County to pay the mortgage on the land described in section 3. Upon full payment of the mortgage, the balance of the sale proceeds shall be deposited into a special account established by Northumberland County and used exclusively by the county for recreational improvements to the land described in section 3.

**Section 6. Effective date.**

This act shall take effect immediately.

APPROVED—The 23rd day of December, A.D. 2002.

MARK S. SCHWEIKER