
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2045 Session of
2019

INTRODUCED BY DOWLING, ROTHMAN, RYAN, JOZWIAK, READSHAW AND
DUNBAR, NOVEMBER 14, 2019

REFERRED TO COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY,
NOVEMBER 14, 2019

AN ACT

1 Authorizing the Department of Conservation and Natural
2 Resources, with the approval of the Governor, to grant and
3 convey to Ohiopyle Borough, Fayette County, certain lands
4 situate in Ohiopyle Borough, Fayette County, in exchange for
5 Ohiopyle Borough granting and conveying certain lands to the
6 Commonwealth of Pennsylvania to be added to those existing
7 lands at Ohiopyle State Park.

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

10 Section 1. Authorization to convey property.

11 The Department of Conservation and Natural Resources, with
12 the approval of the Governor, is hereby authorized on behalf of
13 the Commonwealth of Pennsylvania to grant and convey to Ohiopyle
14 Borough, Fayette County, free of restrictions on use and
15 alienation imposed by section 20(b) of the act of June 22, 1964
16 (Sp.Sess., P.L.131, No.8), known as the Project 70 Land
17 Acquisition and Borrowing Act, certain lands situate in Ohiopyle
18 Borough, Fayette County, in exchange for that certain property
19 to be conveyed to the Commonwealth of Pennsylvania in accordance
20 with section 3.

1 Section 2. Conveyance of property to Ohiopyle Borough.

2 The property to be conveyed in accordance with section 1
3 consists of one tract of land totaling approximately 2.65 acres
4 and improvements thereon, bounded and more particularly
5 described as follows:

6 ALL THAT CERTAIN tract of land situated in the Borough of
7 Ohiopyle, County of Fayette, Commonwealth of Pennsylvania.
8 BEGINNING at Found Rebar & Cap S 52 degrees, 23 minutes, 42
9 seconds West 166.64 feet, thence S 43 degrees, 58 minutes, 40
10 seconds East 262.44 feet, thence S 47 degrees, 18 minutes, 52
11 seconds West 224.94 feet, thence N 44 degrees, 12 minutes, 20
12 seconds West 144.96 feet, thence along the same 10.5 feet,
13 thence S 46 degrees, 18 minutes, 49 seconds West 50.00 feet,
14 thence S 44 degrees, 09 minutes, 33 seconds East 258.03 feet,
15 thence N 50 degrees, 16 minutes, 07 seconds East 496.84 feet,
16 thence N 52 degrees, 04 minutes, 10 seconds West 392.39 feet
17 to the place of Beginning.

18 CONTAINING 2.65 acres more or less.

19 Section 3. Authorization to receive property.

20 The Department of Conservation and Natural Resources, with
21 the approval of the Governor, is hereby authorized on behalf of
22 the Commonwealth of Pennsylvania to receive from Ohiopyle
23 Borough, Fayette County, certain lands situate in Ohiopyle
24 Borough, Fayette County, as described in section 4 in exchange
25 for the property as described in section 2 to be conveyed to
26 Ohiopyle Borough in accordance with section 1.

27 Section 4. Conveyance of property to the Commonwealth of
28 Pennsylvania, acting by and through the Department of
29 Conservation and Natural Resources.

30 The property to be conveyed in accordance with section 3

1 consists of approximately 2.65 acres and improvements thereon,
2 except the sewage treatment plant and facilities required for
3 its operation; said sewage treatment plant and its appurtenances
4 are subject to an agreement between Ohioyle Borough, Fayette
5 County, and the Department of Conservation and Natural
6 Resources, bounded and more particularly described in that
7 certain deed dated May 11, 1967, and recorded in Fayette County
8 Deed Book 1043, Page 701:

9 ALL THAT CERTAIN parcel of land situated in the Borough of
10 Ohioyle, Fayette County, Pennsylvania, bounded on the South
11 by Meadow Run, on the East by a public highway known as
12 Travel Route 381, for a distance of 900 feet northwardly from
13 Meadow Run, on the North by a line extending to the
14 Youghiogheny River having a bearing of North 85° 52' 30" West
15 and on the West by the east bank of the Youghiogheny River in
16 a southerly direction to Meadow Run. Containing 2.65 acres
17 and being the area outlined in red on a drawing prepared by
18 The Chester Engineering dated August, 1965, attached to and
19 made part of a deed from West Penn Power Company to Borough
20 of Ohioyle.

21 Section 5. Easements and encumbrances.

22 The conveyances described in this act shall be made
23 concurrently and under and subject to all lawful and enforceable
24 easements, servitudes and rights of others, including, but not
25 confined to, streets, roadways and rights of any telephone,
26 telegraph, water, electric, gas or pipeline companies, as well
27 as under and subject to any lawful and enforceable estates or
28 tenancies vested in third persons appearing of record, for any
29 portion of the land or improvements erected thereon.

30 Section 6. Restrictive covenants.

1 The following restrictive covenants shall apply to the
2 conveyances authorized by this act:

3 (1) Under the requirements of section 20(b) of the act
4 of June 22, 1964 (Sp.Sess., P.L.131, No.8), known as the
5 Project 70 Land Acquisition and Borrowing Act, the General
6 Assembly hereby authorizes the release of Project 70
7 restrictions on land owned by the Commonwealth, acting by and
8 through the Department of Conservation and Natural Resources,
9 which is more particularly described in section 2, in
10 exchange for the imposition of Project 70 restrictions on the
11 land, which is more particularly described in section 3 with
12 the following deed clause:

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

17 (2) The conveyance authorized under section 1 shall be
18 made under and subject to the condition that no portion of
19 the property conveyed to Ohiopyle Borough, Fayette County,
20 shall be used as a licensed facility, as defined in 4 Pa.C.S.
21 § 1103 (relating to definitions), or any other similar type
22 of facility authorized under State law. The condition shall
23 be a covenant running with the land and shall be binding upon
24 Ohiopyle Borough, Fayette County, its successors and assigns.
25 Should Ohiopyle Borough, Fayette County, its successors or
26 assigns, permit any portion of the property authorized to be
27 conveyed to Ohiopyle Borough, Fayette County, in this act to
28 be used in violation of this paragraph, the title shall
29 immediately revert to and revest in the Commonwealth of
30 Pennsylvania.

1 (3) The conveyance authorized under section 1 shall be
2 made under and subject to residential use only restrictions.

3 Section 7. Deeds.

4 The deeds for the conveyance of the property referenced in
5 sections 1 and 3 shall be by Special Warranty Deed.

6 Section 8. Costs and fees.

7 All costs and fees incidental to the conveyances contained in
8 this act shall be borne by their respective parties.

9 Section 9. Effective date.

10 This act shall take effect immediately.