

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 387 Session of 2019

INTRODUCED BY OTTEN, FEBRUARY 6, 2019

REFERRED TO COMMITTEE ON STATE GOVERNMENT, FEBRUARY 6, 2019

AN ACT

1 Authorizing the release of Project 70 restrictions on certain
 2 lands owned by the Commonwealth of Pennsylvania, acting by
 3 and through the Department of Conservation and Natural
 4 Resources, in exchange for the imposition of Project 70
 5 restrictions on other lands to be acquired by the
 6 Commonwealth of Pennsylvania, acting by and through the
 7 Department of Conservation and Natural Resources.

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

10 Section 1. Restrictions on property owned by the Commonwealth,
 11 acting by and through the Department of Conservation
 12 and Natural Resources.

13 (a) Authorization.--Under the requirements of section 20(b)
 14 of the act of June 22, 1964, (Sp. Sess., P.L.131, No.8), known
 15 as the Project 70 Land Acquisition and Borrowing Act, the
 16 General Assembly hereby authorizes the release of Project 70
 17 restrictions on land owned by the Commonwealth, acting by and
 18 through the Department of Conservation and Natural Resources,
 19 which is more particularly described in subsection (b), in
 20 exchange for the imposition of Project 70 restrictions on land,
 21 which is more particularly described in subsection (c).

1 (b) Land to be released from Project 70 restrictions.--The
2 land to be released from Project 70 restrictions is as follows:

3 ALL THOSE CERTAIN tracts or parcels of land situate in Upper
4 Uwchlan Township, Chester County, Pennsylvania, being bounded
5 and described according to Pennsylvania Turnpike Commission Plan
6 No. RW 6018-C, WBS No. T-308.00T001-4-10, dated April 20, 2018,
7 Milepost T308.12 to T308.52, and as follows to wit:

8 FIRST:

9 BEGINNING at a point on the southerly legal right-of-way line
10 for limited access of the grantee and the westerly legal right-
11 of-way line of Styer Road (T-457), said point being located
12 100.00 feet right of and opposite Survey and Right-of-Way
13 Baseline Station 754+71±;

14 Thence through lands of the grantor and along the westerly
15 legal right-of-way line of Styer Road (T-457), South 39°45'56"
16 West, 60.26 feet to a point being located 160.00 feet, right of
17 and opposite Survey and Right-of-Way Baseline Station 754+77±;

18 Thence through land of the grantor and along the required
19 right-of-way line for limited access the following three (3)
20 courses and distances:

21 1. North 44°56'27" West, 599.92 feet to a point being
22 located 160.00 feet, right of and opposite Survey and Right-of-
23 Way Baseline Station 748+77.00;

24 2. North 46°49'41" West, 607.33 feet to a point being
25 located 180.00 feet, right of and opposite Survey and Right-of-
26 Way Baseline Station 742+70.00;

27 3. North 44°56'27" West, 28.61 feet to a point on the line
28 now or formerly of the Pennsylvania Turnpike Commission, said
29 point being located 180.00 feet right of and opposite Survey and
30 Right-of-Way Baseline Station 742+41±;

1 Thence along land now or formerly of the Pennsylvania
2 Turnpike Commission the following two (2) courses and distances:

3 1. North 50°21'47" East, 14.32 feet to a point being located
4 166 feet, more or less, right of and opposite Survey and Right-
5 of-Way Baseline Station 742+43±;

6 2. North 28°26'03" East, 68.60 feet to a point on the
7 southerly legal right-of-way line for limited access of the
8 grantee, said point being located 100.00 feet, more or less,
9 right of and opposite Survey and Right-of-Way Baseline Station
10 742+23±;

11 Thence along the southerly legal right-of-way line for
12 limited access of the grantee, South 44°56'27" East, 1248.27
13 feet to the Point of BEGINNING.

14 CONTAINING 1.863 Acres

15 SECOND:

16 BEGINNING at a point on the southerly legal right-of-way line
17 for limited access of the grantee and the easterly legal right-
18 of-way line of Styer Road (T-457), said point being located
19 102.02 feet right of and opposite Survey and Right-of-Way
20 Baseline Station 755+05±;

21 Thence along the southerly legal right-of-way line for
22 limited access of the grantee the following four (4) courses and
23 distances:

24 1. South 33°37'26" East, 40.66 feet to a point being located
25 110.00 feet, right of and opposite Survey and Right-of-Way
26 Baseline Station 755+45±;

27 2. South 44°56'27" East, 799.40 feet to a point being
28 located 110.00 feet, right of and opposite Survey and Right-of-
29 Way Baseline Station 763+44±;

30 3. South 56°15'27" East, 50.96 feet to a point being located

1 100.00 feet, right of and opposite Survey and Right-of-Way
2 Baseline Station 763+94±;

3 4. South 44°56'27" East, 52.89 feet to a point on the line
4 now or formerly of Robin W. and Judy A. Reid, said point being
5 located 100.00 feet right of and opposite Survey and Right-of-
6 Way Baseline Station 764+47±;

7 Thence along land now of formerly of Robin W. and Judy A.
8 Reid, South 14°05'18" West, 29.24 feet to a point being located
9 125 feet, more or less, right of and opposite Survey and Right-
10 of-Way Baseline Station 764+62±;

11 Thence through land of the grantor and along the required
12 right-of-way line for limited access the following six (6)
13 courses and distances:

14 1. North 75°54'42" West, 87.31 feet to a point being located
15 170.00 feet, right of and opposite Survey and Right-of-Way
16 Baseline Station 763+87.00;

17 2. North 44°56'27" West, 127.00 feet to a point being
18 located 170.00 feet, right of and opposite Survey and Right-of-
19 Way Baseline Station 762+60.00;

20 3. North 45°03'33" East, 10.00 feet to a point being located
21 160.00 feet, right of and opposite Survey and Right-of-Way
22 Baseline Station 762+60.00;

23 4. North 44°56'27" West, 295.00 feet to a point being
24 located 160.00 feet, right of and opposite Survey and Right-of-
25 Way Baseline Station 759+65.00;

26 5. South 45°03'33" West, 5.00 feet to a point being located
27 165.00 feet, right of and opposite Survey and Right-of-Way
28 Baseline Station 759+65.00;

29 6. North 44°56'27" West, 454.48 feet to a point on the
30 easterly legal right-of-way line of Styer Road (T-457), said

1 point being located 165.00 feet, right of and opposite Survey
2 and Right-of-Way Baseline Station 755+11±;

3 Thence along the easterly legal right-of-way line of Styer
4 Road (T-457), North 39°45'56" East, 63.25 feet to the Point of
5 BEGINNING.

6 CONTAINING 1.176 Acres

7 THIRD:

8 BEGINNING at a point on the required right-of-way line for
9 limited access, said point being located 160.00 feet, right of
10 and opposite Survey and Right-of-Way Baseline Station 759+65.00;

11 Thence along the required right-of-way line for limited
12 access, South 44°56'27" East, 65.00 feet to a point being
13 located 160 feet, right of and opposite Survey and Right-of-Way
14 Baseline Station 760+30;

15 Thence through land of the grantor the following three (3)
16 courses and distances:

17 1. South 45°03'33" West, 50.00 feet to a point being located
18 210 feet, right of and opposite Survey and Right-of-Way Baseline
19 Station 760+30;

20 2. North 44°56'27" West, 65.00 feet to a point being located
21 210 feet, right of and opposite Survey and Right-of-Way Baseline
22 Station 759+65;

23 3. North 45°03'33" East, 50.00 feet to the Point of
24 BEGINNING.

25 CONTAINING 0.075 Acre

26 FOURTH:

27 BEGINNING at a point on the northerly legal right-of-way line
28 for limited access of the grantee and the easterly legal right-
29 of-way line of Styer Road (T-457), said point being located 100
30 feet, more or less, left of and opposite Survey and Right-of-Way

1 Baseline Station 754+91±;

2 Thence along the easterly legal right-of-way line of Styer
3 Road (T-457), by a curve to the right, having a radius of 533.50
4 feet, an arc length of 43.86 feet, and a chord bearing of North
5 45°50'56" East, a chord distance of 43.84 feet to a point being
6 located 144 feet, more or less, left of and opposite Survey and
7 Right-of-Way Baseline Station 754+92±;

8 Thence along the required right-of-way line for limited
9 access and land now or formerly of John S. and Patricia M.
10 Cassel the following three (3) courses and distances:

11 1. South 60°22'50" East, 57.19 feet to a point being located
12 159 feet, more or less, left of and opposite Survey and Right-
13 of-Way Baseline Station 755+47±;

14 2. North 80°07'06" East, 109.81 feet to a point being
15 located 249 feet, more or less, left of and opposite Survey and
16 Right-of-Way Baseline Station 756+10±;

17 3. South 41°47'17" East, 201.29 feet to a point being
18 located 238 feet, more or less, left of and opposite Survey and
19 Right-of-Way Baseline Station 758+11±;

20 Thence along the required right-of-way line for limited
21 access, land now or formerly of John S. and Patricia M. Cassel,
22 land now or formerly of William M. and Kathleen A. Kalkbrenner,
23 and land now or formerly of Nelson L. and Kimberly D. Lucas-
24 Murphy, South 16°06'07" East, 265.12 feet to a point on the
25 northerly legal right-of-way line of the grantee, said point
26 being located 110 feet, more or less, left of and opposite
27 Survey and Right-of-Way Baseline Station 760+43±;

28 Thence along the northerly legal right-of-way line for
29 limited access of the grantee the following three (3) courses
30 and distances:

1 1. North 44°56'27" West, 348.56 feet to a point being
2 located 110.00 feet, left of and opposite Survey and Right-of-
3 Way Baseline Station 756+94±;

4 2. North 56°15'27" West, 50.96 feet to a point being located
5 100.00 feet, left of and opposite Survey and Right-of-Way
6 Baseline Station 756+44±;

7 3. North 44°56'27" West, 153.50 feet to the Point of
8 BEGINNING.

9 CONTAINING 1.186 Acres

10 Being portions of the same properties that the Chester County
11 Water Resources Authority, by its deed dated November 7, 1969
12 and recorded November 7, 1969, in the Recorder of Deeds Office
13 in and for Chester County, Pennsylvania, in Deed Book C39, Page
14 290, and its deed dated February 20, 1978 and recorded February
15 20, 1978, in the Recorder of Deeds Office in and for Chester
16 County, Pennsylvania, in Deed Book M52, Page 300, granted and
17 conveyed unto the Commonwealth of Pennsylvania.

18 (c) Land subject to the imposition of Project 70
19 restrictions.--The land to be acquired by the Commonwealth,
20 acting by and through the Department of Conservation and Natural
21 Resources, on which Project 70 restrictions are to be imposed,
22 is as follows:

23 ALL THAT CERTAIN parcel of land situated in Wallace Township,
24 Chester County, Pennsylvania, being a PART OF UPI 31-4-145,
25 being a Turnpike Mitigation Area according to a new survey
26 thereof as shown on a Plan of Property Boundary Survey for
27 Natural Lands, prepared by Beideman Associates, Glenmoore,
28 Pennsylvania, dated February 22, 2018, and being more fully
29 described as follows:

30 BEGINNING AT AN INTERIOR POINT, a corner of a

1 County/State/Highlands Funding Area, and on line of land of the
2 Commonwealth of Pennsylvania (UPI 31-4-146); which INTERIOR
3 POINT OF BEGINNING is located as follows from the point of
4 intersection of the title line in Marshall Road (S.R. 4033) and
5 the title line in Chalfont Road (T-423), being at the
6 intersection of Little Conestoga Road (S.R. 4016) extending to
7 the north and east, Marshall Road extending to the west, and
8 Chalfont Road extending to the south; commencing thence along
9 the title line in Chalfont Road and along the Charles Andrews
10 Subdivision recorded in Plan Book 56 Page 13, the three (3)
11 following courses and distances: 1) South 14 degrees 34 minutes
12 31 seconds East 585.32 feet to a point; 2) crossing through the
13 Andrews Lane intersection, South 20 degrees 24 minutes 31
14 seconds 369.89 East feet to a point; and 3) South 30 degrees 30
15 minutes 31 seconds East 363.53 feet to a point; thence
16 continuing along the title line in Chalfont Road and along the
17 Chalfont-St. Giles Subdivision recorded as Plan Number 13270,
18 crossing through the Waterview Drive intersection, South 21
19 degrees 33 minutes 32 seconds East 411.98 feet to a point, a
20 corner of land of the Commonwealth of Pennsylvania (UPI 31-4-
21 146); thence leaving Chalfont Road and along said land of the
22 Commonwealth of Pennsylvania, South 44 degrees 35 minutes 45
23 seconds West 65.60 feet to a corner of the herein described
24 Turnpike Mitigation Area, an interior point and the TRUE POINT
25 OF BEGINNING; THENCE FROM THE TRUE POINT OF BEGINNING, along
26 said land of the Commonwealth of Pennsylvania, crossing a
27 copperweld found at a distance of 19.24 feet, South 44 degrees
28 35 minutes 45 seconds West a total distance of 1165.92 feet to a
29 concrete monument found at a corner of land of Philadelphia
30 Suburban Water Company, now Aqua Pennsylvania, Inc. (UPI 31-4-

1 143); thence along said land, North 38 degrees 22 minutes 44
2 seconds West 183.64 feet to a corner of the aforementioned
3 County/State/Highlands Funding Area; thence through UPI 31-4-145
4 of which this is a part, and along the County/State/Highlands
5 Funding Area, North 44 degrees 35 minutes 45 seconds East
6 1224.02 feet to a point; thence along the same, South 21 degrees
7 33 minutes 32 seconds East 199.27 feet to the point of
8 beginning.

9 CONTAINING 5.000 acres of land be the same more or less.

10 BEING PART OF UPI Number 31-4-145.

11 BEING A PART OF THE SAME PREMISES which Dekamodo Investment
12 Partnership, L.P., by deed dated December 19, 2017, and recorded
13 December 29, 2017, in the Office of the Recorder of Deeds in and
14 for the County of Chester, Pennsylvania, in Record Book 9675
15 Page 243, granted and conveyed to Natural Lands Trust, a
16 Pennsylvania non-profit corporation.

17 (d) Clause.--Project 70 restrictions shall be imposed on the
18 lands described in subsection (c) by the following deed clause:

19 This land to be used for park, recreation, and conservation
20 purposes in accordance with provisions of the act of June 22,
21 1964 (Sp. Sess., P.L. 131, No. 8), known as the Project 70 Land
22 Acquisition and Borrowing Act.

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

1 Section 2. Effective date.

2 This act shall take effect immediately.