

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1168 Session of 1997

INTRODUCED BY KASUNIC, OCTOBER 22, 1997

SENATE AMENDMENTS TO HOUSE AMENDMENTS, MAY 4, 1998

AN ACT

1 Authorizing and directing the Department of Conservation and  
2 Natural Resources, with the approval of the Governor, to  
3 convey to Turkeyfoot Fish and Game Association, Inc., a  
4 certain tract of land situate in Henry Clay Township, Fayette  
5 County, in exchange for certain tracts of land; and <—  
6 ~~authorizing the Department of General Services to convey a~~  
7 ~~tract of land located in Somerset Township, Somerset County.~~  
8 AND AUTHORIZING THE DEPARTMENT OF GENERAL SERVICES, WITH THE <—  
9 APPROVAL OF THE GOVERNOR AND THE DEPARTMENT OF CONSERVATION  
10 AND NATURAL RESOURCES, TO GRANT AND CONVEY A SANITARY SEWER  
11 RIGHT-OF-WAY OVER CERTAIN STATE LAND TO PENN TOWNSHIP, YORK  
12 COUNTY, PENNSYLVANIA.

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

15 Section 1. (a) Authorization and description.--The  
16 Department of Conservation and Natural Resources, with the  
17 approval of the Governor, is hereby authorized and directed on  
18 behalf of the Commonwealth of Pennsylvania to grant and convey  
19 to the Turkeyfoot Fish and Game Association, Inc. the following  
20 tract of land bounded and described as follows:

21 All that certain lot, piece or parcel of land situated in the  
22 Township of Henry Clay, County of Fayette, Commonwealth of

1 Pennsylvania, bounded and described as follows:

2 Beginning at a point, said point being the first described  
3 point of that parcel of land conveyed by W. H. Reiber, et ux, to  
4 the Connellsville and State Line Railway Company by deed dated  
5 June 6, 1910, and recorded in the Office of the Recorder of  
6 Deeds of Fayette County, Pennsylvania in Deed Book 296 at Page  
7 308; thence from said point of beginning South 9 degrees 24  
8 minutes 00 seconds East, 89.90 feet to an iron pin; thence,  
9 North 51 degrees 16 minutes 00 seconds West 143.50 feet to a  
10 point of curve; thence by a railroad curve to the right, having  
11 a radius of 1,391.32 feet (through which curve a chord bears  
12 North 48 degrees 09 minutes 42 seconds West), an arc distance of  
13 150.80 feet to a point; thence on a radial line to the  
14 aforementioned curve North 44 degrees 56 minutes 34 seconds  
15 East, 10.00 feet to a point; thence by a railroad curve to the  
16 right (said curve being concentric to the last mentioned curve)  
17 having a radius of 1,381.32 feet (through which curve a chord  
18 bears North 16 degrees 06 minutes 47 seconds West), an arc  
19 distance of 1,395.58 feet to a point of tangency; thence North  
20 12 degrees 49 minutes 50 seconds East, 1,282.12 feet to a point  
21 along the western right-of-way line of a township road known as  
22 Ramcat Road; thence in a Southerly direction by said right-of-  
23 way line by the following course and distances, to wit:

24 (1) South 18 degrees 59 minutes 23 seconds East, 69.65 feet  
25 to a point;

26 (2) South 11 degrees 17 minutes 43 seconds East, 99.06 feet  
27 to a point;

28 (3) South 8 degrees 06 minutes 38 seconds East, 63.76 feet  
29 to a point;

30 thence leaving the aforesaid right-of-way and continuing South

1 12 degrees 49 minutes 50 seconds West, 1,011.18 feet to a point;  
2 thence South 77 degrees 10 minutes 10 seconds East 25.00 feet to  
3 a point; thence South 12 degrees 49 minutes 50 seconds West,  
4 61.80 feet to a point of curve; thence by a railroad curve to  
5 the left (said curve being concentric to the last mentioned  
6 curve) having a radius of 1,256.32 feet (through which curve a  
7 chord bears South 7 degrees 22 minutes 53 seconds West) an arc  
8 distance of 238.96 feet to a point; thence, on a radial line  
9 extended of the aforementioned curve North 88 degrees 04 minutes  
10 03 seconds West 25.00 feet to a point; thence by a railroad  
11 curve to the left (said curve being concentric to the last  
12 mentioned curve) having a radius of 1,281.32 feet (through which  
13 curve a chord bears South 21 degrees 33 minutes 44 seconds East)  
14 an arc distance of 1,050.83 feet to a point, thence on a radial  
15 line of the aforementioned curve North 44 degrees 56 minutes 34  
16 seconds East, 10.00 feet to a point; thence by a railroad curve  
17 to the left (said curve being concentric to the last mentioned  
18 curve) having a radius of 1,271.32 feet (through which curve a  
19 chord bears South 48 degrees 09 minutes 42 seconds East) an arc  
20 distance of 137.79 feet to a point of tangency; thence South 51  
21 degrees 16 minutes 00 seconds East, 9.50 feet to a point; thence  
22 South 9 degrees 24 minutes 00 seconds East, 89.90 feet to a  
23 point and place of beginning.

24       Containing 6.5978 acres.

25       Being a portion of that land conveyed by the Western  
26 Pennsylvania Conservancy to the Commonwealth of Pennsylvania by  
27 deed dated November 15, 1978, and recorded in the Office of the  
28 Recorder of Deeds of Fayette County, Pennsylvania, in Deed Book  
29 1246 at Page 109.

30       (b) Exchange description.--The conveyance authorized by

1 subsection (a) shall be in exchange for the conveyance by  
2 Turkeyfoot Fish and Game Association, Inc. to the Commonwealth  
3 of Pennsylvania of all those certain tracts of land bounded and  
4 described as follows:

5 Tract No. 1

6 All that certain lot, piece or parcel of land situated in the  
7 Township of Henry Clay, County of Fayette, Commonwealth of  
8 Pennsylvania, bounded and described as follows:

9 Beginning at an iron pin corner, said corner lying on the  
10 easterly right-of-way of Ramcat Road (Township Route 892) and  
11 being further defined as lying 270 feet more or less north of  
12 the intersection of said TR 892 with the center of State Route  
13 281 and common to lands herein and lands of the Borough of  
14 Confluence; Thence from said point of beginning by and along the  
15 eastern right-of-way line of said TR 892 the following nineteen  
16 (19) courses and distances:

17 (1) North 18 degrees 32 minutes 44 seconds West, 152.96 feet  
18 to a point;

19 (2) North 24 degrees 38 minutes 36 West, 97.67 feet to a  
20 point;

21 (3) North 26 degrees 02 minutes 46 seconds West, 137.85 feet  
22 to a point;

23 (4) North 10 degrees 38 minutes 34 seconds West, 56.96 feet  
24 to a point;

25 (5) North 09 degrees 23 minutes 18 seconds West, 231.45 feet  
26 to a point;

27 (6) North 07 degrees 39 minutes 38 seconds West, 171.16 feet  
28 to a point;

29 (7) North 09 degrees 22 minutes 57 seconds West, 144.80 feet  
30 to a point;

1 (8) North 13 degrees 22 minutes 17 seconds West, 82.56 feet  
2 to a point;

3 (9) North 17 degrees 04 minutes 22 seconds West, 116.87 feet  
4 to a point;

5 (10) North 17 degrees 31 minutes 10 seconds West, 127.11  
6 feet to a point;

7 (11) North 15 degrees 11 minutes 57 seconds West, 257.50  
8 feet to a point;

9 (12) North 08 degrees 16 minutes 56 seconds West, 169.54  
10 feet to a point;

11 (13) North 00 degrees 57 minutes 32 seconds West, 208.80  
12 feet to a point;

13 (14) North 01 degree 48 minutes 02 seconds East, 308.07 feet  
14 to a point;

15 (15) North 01 degrees 53 minutes 31 seconds East, 167.85  
16 feet to a point;

17 (16) North 00 degrees 51 minutes 39 seconds West, 210.81  
18 feet to a point;

19 (17) North 00 degrees 05 minutes 00 seconds East, 125.41  
20 feet to a point;

21 (18) North 03 degrees 22 minutes 40 seconds West, 151.09  
22 feet to a point;

23 (19) North 12 degrees 06 minutes 21 seconds West, 70.46 feet  
24 to an iron pin corner, said corner being along the eastern  
25 right-of-way line of said TR 892 at its intersection with the  
26 easterly right-of-way line of the Western Maryland Railroad;  
27 thence along lands of the Western Maryland Right-of-Way by lands  
28 herein North 12 degrees 38 minutes 08 seconds East, 114.74 feet  
29 to a point, thence continuing by the easterly right-of-way line  
30 of the Western Maryland Railroad on a curve to the left with a

1 radius of 2,342.0 feet (subtended by a chord bearing of North 09  
2 degrees 36 minutes 39 seconds East and chord distance of 247.16  
3 feet), a distance of 247.27 feet to an iron pin corner common to  
4 lands last mentioned and lands now or formerly of William  
5 Gilmore; thence by lands now or formerly of said William Gilmore  
6 North 89 degrees 48 minutes 02 seconds East, 70.84 feet to a  
7 point on the edge of the Youghiogheny River; thence along the  
8 edge of said Youghiogheny River the following seventeen (17)  
9 courses and distances:

- 10 (1) South 11 degrees 00 minutes 01 seconds East, 95.01 feet  
11 to a point;
- 12 (2) South 03 degrees 50 minutes 20 seconds East, 209.19 feet  
13 to a point;
- 14 (3) South 04 degrees 34 minutes 57 seconds East, 172.03 feet  
15 to a point;
- 16 (4) South 03 degrees 25 minutes 47 seconds West, 277.33 feet  
17 to a point;
- 18 (5) South 04 degrees 34 minutes 23 seconds East, 193.16 feet  
19 to a point;
- 20 (6) South 20 degrees 28 minutes 54 seconds West, 80.62 feet  
21 to a point;
- 22 (7) South 24 degrees 11 minutes 12 seconds West, 117.09 feet  
23 to a point;
- 24 (8) South 11 degrees 45 minutes 56 seconds West, 180.07 feet  
25 to a point;
- 26 (9) South 04 degrees 05 minutes 08 seconds West, 167.59 feet  
27 to a point;
- 28 (10) South 01 degree 55 minutes 20 seconds East, 148.14 feet  
29 to a point;
- 30 (11) South 15 degrees 18 minutes 56 seconds East, 275.62

1 feet to a point;  
2 (12) South 16 degrees 51 minutes 58 seconds East, 198.04  
3 feet to a point;  
4 (13) South 07 degrees 44 minutes 27 seconds East, 115.17  
5 feet to a point;  
6 (14) South 14 degrees 58 minutes 15 seconds East, 210.34  
7 feet to a point;  
8 (15) South 06 degrees 29 minutes 05 seconds East, 443.98  
9 feet to a point;  
10 (16) South 06 degrees 11 minutes 08 seconds East, 108.70  
11 feet to a point;  
12 (17) South 25 degrees 37 minutes 21 seconds East, 371.86  
13 feet to a point on the westerly edge of the Youghiogheny River,  
14 said point being common to lands of the Borough of Confluence  
15 and lands herein; thence by land of the Borough of Confluence  
16 South 81 degrees 17 minutes 00 seconds West, 42.14 feet to an  
17 iron pin, place of beginning.

18 Containing 5.98 acres of land.

19 Tract No.2

20 All that certain lot, piece or parcel of land situated in the  
21 Township of Henry Clay, County of Fayette, Commonwealth of  
22 Pennsylvania, bounded and described as follows:

23 Beginning at an iron pin corner, said corner lying on the  
24 westerly right-of-way line of Ramcat Road (Township Route 892)  
25 and further defined as lying 270 feet more or less North of the  
26 intersection of said TR 892 with the center of State Route 281  
27 and also lying South 81 degrees 17 minutes 00 seconds West,  
28 33.49 feet from the beginning point of Tract No.1 previously  
29 described: Thence from point of beginning along lands of the  
30 Borough of Confluence South 81 degrees 17 minutes 00 seconds

1 West, 29.55 feet to an iron pin corner; thence by same South 08  
2 degrees 43 minutes 00 seconds East, 123.32 feet to a point;  
3 thence by same on a curve to the right with a radius of 666.62  
4 feet (subtended by a chord bearing of South 05 degrees 25  
5 minutes 07 seconds East and chord distance of 76.64 feet) for a  
6 distance of 76.68 feet to an iron pin corner; thence by same and  
7 by lands now or formerly of James Prothero North 78 degrees 15  
8 minutes 07 seconds West, 61.90 feet to an iron pin corner;  
9 thence by lands now or formerly of James Prothero and lands now  
10 or formerly of Paul Wass North 09 degrees 22 minutes 21 seconds  
11 West, 548.86 feet to an iron pin corner on the westerly right-  
12 of-way line of the Western Maryland Railroad; thence along said  
13 right-of-way North 81 degrees 17 minutes 00 seconds East, 4.92  
14 feet to a point on the westerly right-of-way line of TR 892;  
15 thence by said westerly right-of-way the following three (3)  
16 courses and distances:

17 (1) South 26 degrees 02 minutes 46 seconds East, 142.14 feet  
18 to a point;

19 (2) South 24 degrees 38 minutes 36 seconds East, 95.25 feet  
20 to a point;

21 (3) South 18 degrees 32 minutes 44 seconds East, 145.48 feet  
22 to an iron pin corner, place of beginning.

23 Containing 0.75 acre of land.

24 Tract No. 3

25 All that certain lot, piece or parcel of land situated in the  
26 Township of Henry Clay, County of Fayette, Commonwealth of  
27 Pennsylvania, bounded and described as follows:

28 Beginning at a point on the westerly right-of-way line of the  
29 Western Maryland Railroad, said point being common to lands now  
30 or formerly of William Gilmore and further defined as lying

1 South 89 degrees 48 minutes 02 seconds West, 100.74 feet from an  
2 iron pin on the easterly right-of-way of said railroad where  
3 Tract No.1 previously described intersects with lands now or  
4 formerly of William Gilmore; thence from said point of beginning  
5 by the westerly right-of-way line of the Western Maryland  
6 Railroad on a curve to the right with a radius of 2,242.0 feet  
7 (subtended by a chord bearing of South 08 degrees 44 minutes 07  
8 seconds West and a chord distance of 144.37 feet), a distance of  
9 144.40 feet to the intersection of said right-of-way line with  
10 the eastern right-of-way of TR 892; thence along said eastern  
11 right-of-way of TR 892 North 19 degrees 04 minutes 16 seconds  
12 West, 35.46 feet to a point; thence by the same North 12 degrees  
13 14 minutes 34 seconds West, 111.52 feet to a point at the  
14 southwest corner of lands now or formerly of William Gilmore;  
15 thence along the south line of lands now or formerly of William  
16 Gilmore North 89 degrees 48 minutes 02 seconds East, 57.16 to a  
17 point and place of beginning.

18 Containing 0.10 acre of land.

19 Being a portion of the same tract of land conveyed by the  
20 Borough of Confluence to the Turkeyfoot Fish and Game  
21 Association, Inc. by deed dated July 31, 1987, and recorded in  
22 the Office of the Recorder of Deeds of Somerset County,  
23 Pennsylvania, in Deed Book 1005 at Page 765. Also being a  
24 portion of the same tract of land conveyed by Roy Leber, et ux,  
25 to the Turkeyfoot Fish and Game Association, Inc. by deed dated  
26 September 23, 1967, and recorded in the Office of the Recorder  
27 of Deeds of Fayette County, Pennsylvania, in Deed Book 1050 at  
28 Page 922. Also being a portion of the same tract of land  
29 conveyed by Rob Leber, et ux, to the Turkeyfoot Fish and Game  
30 Association, Inc. by deed dated September 23, 1967, and recorded

1 in the Recorder of Deeds Office of Fayette County, Pennsylvania,  
2 in Deed Book 1050 at Page 925. Also being a portion of the same  
3 tract of land conveyed by the Borough of Confluence to the  
4 Turkeyfoot Fish and Game Association, Inc. by deed dated March  
5 3, 1987, and recorded in the Office of the Recorder of Deeds of  
6 Fayette County, Pennsylvania, in Deed Book 333 at Page 210.

7 (c) Easements.--Conveyance of the land described in  
8 subsection (a) shall be made under and subject to all easements,  
9 servitudes and rights of others, including, but not confined to,  
10 streets, roadways and rights of telephone, telegraph, water,  
11 electric, sewer, gas or pipeline companies, as well as under and  
12 subject to any interest, estates or tenancies vested in third  
13 persons, whether or not appearing of record, for any portion of  
14 the land or improvements erected thereon.

15 (d) Execution.--The deed of conveyance of the property  
16 described in subsection (a) shall be approved as provided by law  
17 and shall be executed by the Secretary of Conservation and  
18 Natural Resources in the name of the Commonwealth of  
19 Pennsylvania.

20 (e) Costs.--The parties to the transaction shall bear their  
21 respective costs.

22 ~~Section 2. (a) Authorization. The Department of General~~ <—  
23 ~~Services, with the approval of the Governor, is hereby~~  
24 ~~authorized and directed, on behalf of the Commonwealth of~~  
25 ~~Pennsylvania, to grant and convey, Somerset Christian~~  
26 ~~Fellowship, the described tract of land in subsection (b) for~~  
27 ~~fair market value as determined by an independent appraisal.~~

28 ~~(b) Description. Beginning at an existing iron pin/cap and~~  
29 ~~on the jurisdictional division line between lands of the~~  
30 ~~Somerset Christian Fellowship and lands of the Commonwealth of~~

1 ~~Pennsylvania. Thence along lands of the Commonwealth of~~  
2 ~~Pennsylvania and the Somerset Christian Fellowship the following~~  
3 ~~courses and distances;~~

4 ~~(1) South 65 degrees 43 minutes 09 seconds East, 403.22~~  
5 ~~feet to set iron pin/cap;~~

6 ~~(2) North 39 degrees 36 minutes 00 seconds East, 238.77~~  
7 ~~feet to set iron pin/cap;~~

8 ~~(3) South 22 degrees 49 minutes 30 seconds West, 32.30~~  
9 ~~feet to set iron pin/cap;~~

10 ~~(4) South 38 degrees 46 minutes 00 seconds West, 139.80~~  
11 ~~feet to set iron pin/cap;~~

12 ~~(5) South 66 degrees 05 minutes 15 seconds East, 49.00~~  
13 ~~feet to set iron/pin cap;~~

14 ~~(6) South 20 degrees 05 minutes 15 seconds West, 145.67~~  
15 ~~feet to set iron/pin cap;~~

16 ~~(7) North 65 degrees 21 minutes 15 seconds West, 370.50~~  
17 ~~feet to set iron/pin cap;~~

18 ~~(8) North 32 degrees 20 minutes 00 seconds West, 145.30~~  
19 ~~feet to set iron/pin cap;~~

20 ~~Containing approximately .936 acres.~~

21 ~~(c) Easement. The conveyance shall be made under and~~  
22 ~~subject to all easements, servitudes and rights of others,~~  
23 ~~including but not confined to, streets, roadways and rights of~~  
24 ~~telephone, telegraph, water, electric, sewer, gas or pipeline~~  
25 ~~companies, as well as under and subject to any interest, estates~~  
26 ~~or tenancies vested in third persons, whether or not appearing~~  
27 ~~of record, for any portion of the land or improvements erected~~  
28 ~~thereon.~~

29 ~~(d) Deed. The deed of conveyance shall be approved as~~  
30 ~~provided by law and shall be executed by the Secretary of~~

1 ~~General Services in the name of the Commonwealth of~~  
2 ~~Pennsylvania.~~

3 ~~(c) Costs. The costs and fees incidental to this conveyance~~  
4 ~~shall be borne by the grantee.~~

5 SECTION 2. (A) AUTHORIZATION AND DESCRIPTION.--THE <—  
6 DEPARTMENT OF GENERAL SERVICES, WITH THE APPROVAL OF THE  
7 GOVERNOR AND THE DEPARTMENT OF CONSERVATION AND NATURAL  
8 RESOURCES, IS HEREBY AUTHORIZED AND DIRECTED ON BEHALF OF THE  
9 COMMONWEALTH OF PENNSYLVANIA TO GRANT AND CONVEY TO PENN  
10 TOWNSHIP, YORK COUNTY, FOR A CONSIDERATION OF \$1, A SANITARY  
11 SEWER RIGHT-OF-WAY ON A PARCEL OF LAND SITUATE IN PENN TOWNSHIP,  
12 YORK COUNTY, PENNSYLVANIA, BEING BOUNDED AND DESCRIBED AS  
13 FOLLOWS:

14 ALL THAT CERTAIN STRIP OF LAND THERETO SITUATE IN THE  
15 TOWNSHIP OF PENN, COUNTY OF YORK, COMMONWEALTH OF PENNSYLVANIA,  
16 BEING BOUNDED AND DESCRIBED AS FOLLOWS TO WIT:

17 BEGINNING FROM A POINT ON THE CENTERLINE OF A PROPOSED 20  
18 FOOT WIDE PERMANENT SANITARY SEWER RIGHT-OF-WAY, SAID POINT  
19 BEING LOCATED SOUTH 22 DEGREES 55 MINUTES 16 SECONDS EAST, 38.95  
20 FEET FROM A CORNER OF CODORUS STATE PARK DESIGNATED AS F&W -  
21 169, THENCE CONTINUING ACROSS LANDS OF THE CODORUS STATE PARK,  
22 NORTH 48 DEGREES 49 MINUTES 42 SECONDS EAST, 19.83 FEET TO A  
23 PROPOSED MANHOLE, THENCE CONTINUING BY THE SAME NORTH 86 DEGREES  
24 22 MINUTES 56 SECONDS EAST, 308.41 FEET TO AN EXISTING PENN  
25 TOWNSHIP SANITARY SEWER MANHOLE DESIGNATED AS MANHOLE NO. 111,  
26 SAID MANHOLE BEING THE TERMINUS OF THE ABOVE DESCRIBED RIGHT-OF-  
27 WAY.

28 ALONG WITH AN ADDITIONAL 10 FOOT WIDE TEMPORARY CONSTRUCTION  
29 EASEMENT LOCATED ON THE SOUTHERN SIDE OF THE ABOVE DESCRIBED 20  
30 FOOT WIDE PERMANENT RIGHT-OF-WAY.

1 (B) EASEMENT.--THE CONVEYANCE SHALL BE MADE UNDER AND  
2 SUBJECT TO ALL EASEMENTS, SERVITUDES AND RIGHTS OF OTHERS,  
3 INCLUDING, BUT NOT CONFINED TO, STREETS, ROADWAYS AND RIGHTS OF  
4 ANY TELEPHONE, TELEGRAPH, WATER, ELECTRIC, SEWER, GAS OR  
5 PIPELINE COMPANIES, AS WELL AS UNDER AND SUBJECT TO ANY  
6 INTEREST, ESTATES OR TENANCIES VESTED IN THIRD PERSONS, WHETHER  
7 OR NOT APPEARING OF RECORD, FOR ANY PORTION OF THE LAND OR  
8 IMPROVEMENTS ERECTED THEREON.

9 (C) PROCEEDS.--THE PROCEEDS OF THIS SALE SHALL BE PAID INTO  
10 THE GENERAL FUND.

11 (D) DEED.--THE DEED OF CONVEYANCE SHALL BE APPROVED AS  
12 PROVIDED BY LAW AND SHALL BE EXECUTED BY THE SECRETARY OF  
13 GENERAL SERVICES IN THE NAME OF THE COMMONWEALTH OF  
14 PENNSYLVANIA.

15 (E) COSTS.--COSTS AND FEES INCIDENTAL TO THIS CONVEYANCE  
16 SHALL BE BORNE BY THE GRANTEE.

17 Section 3. This act shall take effect immediately.