

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2040 Session of
2009

INTRODUCED BY SCHRODER, OCTOBER 14, 2009

REFERRED TO COMMITTEE ON STATE GOVERNMENT, OCTOBER 14, 2009

AN ACT

1 Authorizing the release of Project 70 restrictions on certain
2 land owned by the Borough of Downingtown, Chester County, in
3 return for the development of park and open space lands
4 within the Borough of Downingtown and East Caln Township,
5 Chester County.

6 The General Assembly of the Commonwealth of Pennsylvania
7 hereby enacts as follows:

8 Section 1. Chester County.

9 (a) Authorization.--Pursuant to the requirements of section
10 20(b) of the act of June 22, 1964 (Sp.Sess., P.L.131, No.8),
11 known as the Project 70 Land Acquisition and Borrowing Act, the
12 General Assembly hereby authorizes the release of Project 70
13 restrictions from the land owned by the Borough of Downingtown,
14 Chester County, which is more particularly described in
15 subsection (c), in exchange for the development of park and open
16 space lands described in subsection (d).

17 (b) Land to be released from Project 70 restrictions.--The
18 Borough of Downingtown intends to sell a portion of the land it
19 owns and wishes to release the land described in subsection (c)
20 from Project 70 restrictions.

(c) Description of premise to be conveyed.--

ALL THAT CERTAIN parcel of land situate in East Caln Township, Chester County, Pennsylvania being shown as P-70 Release Area on the attached Exhibit "A" dated April 29, 2009 by Commonwealth Engineers, Inc., Downingtown, PA and being more fully described as follows, to wit:

BEGINNING at a concrete monument found at a westerly corner of lands now or formerly of Downingtown Borough, UPI No. 40-1-23.1, per Deed Book H38 Page 110, said point being an easterly corner of lands now or formerly of Philadelphia Electric Company, UPI No. 40-1-22 per Deed Book O-59 Page 0460;

Thence along the Title Line separating said Downingtown Borough lands and said Philadelphia Electric Company lands, North 77°50'08" East, a distance of 17.50 feet to an iron pipe found in concrete;

Thence North 14°12'52" West, a distance of 41.15 feet to a point in said Title Line;

Thence through the aforesaid Downingtown Borough lands, North 75°47'08" East, a distance of 39.06 feet to a point;

Thence North 50°07'15" East, a distance of 190.53 feet to a point;

Thence North 39°52'46" West, a distance of 178.08 feet to a point of cusp of a curve concave to the southwest having a radius of 117.50 feet and a central angle of 10°36'07" and being subtended by a chord bearing North 45°10'50" West, a distance of 21.71 feet;

Thence along said curve an arc distance of 21.74 feet to a point;

Thence North 50°28'53" West, a distance of 54.93 feet to a point in the Title Line separating the aforesaid Downingtown Borough

1 lands and the lands now or formerly of East Caln Township, UPI
2 No. 40-1-13E, per Deed Book N-57 Page 0189 and a point of cusp
3 of a curve concave to the northwest having a radius of 345.61
4 feet and a central angle of $11^{\circ}32'30''$ and being subtended by a
5 chord bearing North $39^{\circ}08'37''$ East, a distance of 69.50 feet;
6 Thence along said Title Line an arc distance of 69.62 feet to a
7 point;
8 Thence through said Downingtown Borough lands, South $50^{\circ}28'53''$
9 East, a distance of 55.38 feet to a point of cusp of a curve
10 concave to the southwest having a radius of 187.00 feet and a
11 central angle of $10^{\circ}36'07''$ and being subtended by a chord
12 bearing South $45^{\circ}10'50''$ East, a distance of 34.55 feet;
13 Thence along said curve an arc distance of 34.60 feet to a
14 point;
15 Thence South $39^{\circ}52'46''$ East, a distance of 277.81 feet to a
16 point of cusp of a curve concave to the southwest having a
17 radius of 367.00 feet and a central angle of $13^{\circ}35'22''$ and being
18 subtended by a chord bearing South $33^{\circ}05'05''$ East, a distance of
19 86.84 feet;
20 Thence along said curve an arc distance of 87.04 feet to a
21 point;
22 Thence South $88^{\circ}18'58''$ East, a distance of 136.35 feet to a
23 point;
24 Thence South $41^{\circ}40'09''$ East, a distance of 24.75 feet to a
25 point;
26 Thence South $88^{\circ}18'58''$ East, a distance of 39.21 feet to a
27 point;
28 Thence South $43^{\circ}18'58''$ East, a distance of 19.80 feet to a
29 point;
30 Thence South $01^{\circ}41'02''$ West, a distance of 83.92 feet to a

1 point;
2 Thence South 43°18'58" East, a distance of 20.54 feet to a point
3 in the Title Line separating the aforesaid Downingtown Borough
4 lands and the lands now or formerly of Downingtown Borough, UPI
5 No. 11-4-13E, said Title Line being the Municipal Boundary Line
6 separating Downingtown Borough and East Caln Township;
7 Thence along said Title Line and Municipal Boundary Line, South
8 83°37'40" West, a distance of 544.18 feet to a common point
9 formed by the intersection of said Title Line and the aforesaid
10 Title Line separating Downingtown Borough land and Philadelphia
11 Electric Company lands;
12 Thence along said Title Line separating Downingtown Borough
13 lands and Philadelphia Electric Company lands, North 14°12'52"
14 West, a distance of 130.69 feet to a concrete monument found and
15 the Point and Place of BEGINNING.

16 Containing 2.982 Acres of land be the same more or less.

17 (d) Use of sale proceeds and interest.--An amount equal to
18 or greater than the fair market value of the land described in
19 subsection (c) shall be deposited into a special interest-
20 bearing account established by the Borough of Downingtown for
21 development of park and open space lands in either the Borough
22 of Downingtown or East Caln Township or both the borough and the
23 township. None of the funds shall be disbursed from this special
24 account until a plan is developed by the Borough of Downingtown
25 for use of the funds by the borough and until the plan has been
26 approved by the Department of Conservation and Natural
27 Resources. Any funds remaining in the special account five years
28 after the date of deposit by the Borough of Downingtown shall
29 immediately be paid to the Commonwealth for deposit into the
30 Project 70 Land Acquisition Sinking Fund.

1 Section 2. Effective date.

2 This act shall take effect immediately.