

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2334 Session of  
2012

INTRODUCED BY EVERETT, GEIST AND HESS, MAY 1, 2012

REFERRED TO COMMITTEE ON STATE GOVERNMENT, MAY 1, 2012

AN ACT

1 Authorizing the conveyance of an easement and the release of  
2 Project 70 restrictions imposed on a portion of land owned by  
3 the Pennsylvania Fish and Boat Commission in Gamble Township,  
4 Lycoming County, in return for the imposition of Project 70  
5 restrictions on certain land being conveyed to the Commission  
6 in Gamble Township, Lycoming County, and other terms and  
7 conditions.

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

10 Section 1. Rose Valley Lake, Gamble Township, Lycoming County.

11 (a) Authorization.--The General Assembly hereby authorizes  
12 the Pennsylvania Fish and Boat Commission to grant and convey to  
13 Robert Maguire, subject to residential use and utility line  
14 access only restrictions, and free of restrictions on use and  
15 alienation imposed by section 20 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, an access easement on land  
18 situate in Gamble Township, Lycoming County and described in  
19 subsection (b) in exchange for that certain property to be  
20 conveyed to the commission described in subsection (c) and  
21 subject to Project 70 restrictions and under other terms and

1 conditions described in subsection (d).

2 (b) Description of property to be conveyed by  
3 commission.--The 33-foot-wide access easement to be conveyed by  
4 the commission and to be released from Project 70 restrictions  
5 is described as all that certain piece or parcel of land situate  
6 in Gamble Township, County of Lycoming, Commonwealth of  
7 Pennsylvania, more particularly described as a portion of the  
8 lands conveyed in the deed found in Lycoming County Deed Book  
9 553, page 470, and further described as the area extending 16.5  
10 feet perpendicular from and running parallel to the centerline  
11 described as follows:

12 BEGINNING at a point in the southerly right-of-way of  
13 Township Road 691 (Trimble Road), at the centerline of an  
14 existing farm drive leading to the proposed Toad Hall  
15 Subdivision, said subdivision being lands now or formerly of  
16 Robert A. Maguire; THENCE through lands now or formerly of the  
17 Pennsylvania Fish and Boat Commission's Rose Valley Lake  
18 property along the centerline of said existing farm drive the  
19 following courses and distances:

20 Along a curve to the left having a radius of 256.00 feet, an  
21 arc length of 132.89 feet, chord bearing of S 33°35'42"E and a  
22 chord distance of 131.40 feet to a point,

23 Along a curve to the right having a radius of 912.00 feet, an  
24 arc length of 140.64 feet, chord bearing of S 44°02'52"E and a  
25 chord distance of 140.50 feet to a point,

26 Along a curve to the right having a radius of 315.00 feet, an  
27 arc length of 81.50 feet, chord bearing of S 32°13'05"E and a  
28 chord distance of 81.27 feet to a point,

29 Along a curve to the right having a radius of 520.00 feet, an  
30 arc length of 159.10 feet, chord bearing of S 16°02'30"E and a

1 chord distance of 158.48 feet to a point,  
2 S 01°55'35"W and a distance of 99.55 feet to a point,  
3 Along a curve to the left having a radius of 136.00 feet, an  
4 arc length of 55.91 feet, chord bearing of S 09°51'06"E and a  
5 chord distance of 55.52 feet to a iron pin at the common corner  
6 of Lot #1 and Lot #3 at the westerly side of the said proposed  
7 subdivision and corner being located S 05°51'24"W a distance of  
8 12.58 feet from an iron pin in the northwesterly corner of Lot  
9 #1 of the said proposed subdivision and being depicted as corner  
10 #11 on the Pennsylvania Fish Commission, Mill Creek Dam Site  
11 (now Rose Valley Lake), Composite Property Plan", dated February  
12 29, 1968.

13 CONTAINING approximately 0.5 acres (670 linear feet).  
14 Easement lines extended or contracted as required to intersect  
15 the property lines.

16 Final area and configuration is subject to local zoning and  
17 subdivision requirements.

18 (c) Description of property to be conveyed to  
19 commission.--The property to be conveyed to the commission and  
20 on which Project 70 restrictions will be imposed is described as  
21 fee title to all that certain piece or parcel of land situate in  
22 Gamble Township, County of Lycoming, Commonwealth of  
23 Pennsylvania more particularly described as a portion of the  
24 lands conveyed in the deed found in Lycoming County Deed Book  
25 5317, page 86, described as all that certain piece or parcel of  
26 land more particularly described as follows:

27 COMMENCING at a iron pin, in the northwesterly corner of Lot  
28 #1 of the proposed Toad Hall Subdivision, and being the corner  
29 of lands now or formerly of the Pennsylvania Fish and Boat  
30 Commission, depicted as corner #11 on the Pennsylvania Fish

1 Commission, Mill Creek Dam Site (now Rose Valley Lake),  
2 Composite Property Plan", dated February 29, 1968; THENCE along  
3 the common line of Lot #1 and Lot #3 of said subdivision and the  
4 said lands of the Pennsylvania Fish and Boat Commission, passing  
5 over an iron pin at 12.58 feet in the centerline of a 33 feet  
6 access easement running southerly from Township Road T-691  
7 (Trimble Road), S 05°51'24"W a distance of 356.86 feet to the  
8 POINT OF BEGINNING, being a iron pin in the westerly line of Lot  
9 #3 of the said subdivision and depicted as corner #10 on the  
10 said Pennsylvania Fish Commission Composite Property Plan;  
11 THENCE along said Lot #3 and Residual Lot of the said  
12 subdivision, passing over an iron pin at 256.46 feet at the  
13 common corner of Lot #3 and residual Lot, S 19°01'45"W a  
14 distance of 428.66 feet to iron pin in the easterly line of  
15 lands now or formerly of George E. Cook; THENCE along said lands  
16 of Cook, N 25°58'53"W a distance of 287.37 feet to an existing  
17 iron pin in said lands of the Pennsylvania Fish and Boat  
18 Commission and depicted as corner #9 on the said Pennsylvania  
19 Fish Commission Composite Property Plan; THENCE along said lands  
20 of the Pennsylvania Fish and Boat Commission, N 61°03'29"E a  
21 distance of 303.57 feet to an iron pin and the POINT OF  
22 BEGINNING.

23       CONTAINING 1.000 acres and being Lot #4 of the proposed Toad  
24 Hall Subdivision.

25       Final area and configuration is subject to local zoning and  
26 subdivision requirements.

27       (d) Other terms and conditions.--The conveyance of the  
28 access easement under subsection (b) will be subject to all  
29 easements and encumbrances of record and the following terms and  
30 conditions:

1       (1) The access easement shall be expressly limited to the  
2 commission's use and to serving the Maguire property, being a  
3 portion of the lands described in the Lycoming County Deed Book  
4 5317, page 86, and more particularly described as Lot #s 1, 2  
5 and 3 and residual lot as depicted on the proposed Toad Hall  
6 subdivision plan.

7       (2) Use of the access easement shall be limited to  
8 residential use and utility line access for underground  
9 electrical, gas, water, telecommunication and sewer lines  
10 servicing residential dwellings or farming operations only.

11       (3) Said Robert Maguire shall grant the commission a  
12 conservation easement restricting development to four  
13 residential lots on the property described in paragraph (1).

14       (4) Said Robert Maguire shall pay the commission \$15,000.

15       (5) The parties will resolve issues relating to the Federal  
16 Land and Water Conservation Fund.

17       (e) Deed restriction.--The restriction to be included in the  
18 deed of conveyance for the parcel described in subsection (c)  
19 shall be as follows:

20       This indenture is given to provide land for recreation,  
21 conservation and historical purposes, as said purposes are  
22 defined in the act of June 22, 1964 (Sp.Sess., P.L.131, No.8),  
23 known as the Project 70 Land Acquisition and Borrowing Act.

24       (f) Cost.--Costs and fees incidental to the conveyances  
25 shall be borne by said Robert Maguire.

26       Section 2. Effective date.

27       This act shall take effect immediately.