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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1009 Session of  
2017

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INTRODUCED BY WALSH, J. HARRIS, DUNBAR, REESE, OBERLANDER,  
METZGAR, WARNER, JAMES, MILLARD, SANKEY, GABLER, WARD AND  
IRVIN, MARCH 28, 2017

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REFERRED TO COMMITTEE ON STATE GOVERNMENT, MARCH 28, 2017

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AN ACT

1 Authorizing the release of Project 70 restrictions on certain  
2 land owned by the Borough of West Newton, Westmoreland  
3 County, in return for the development of park and open space  
4 lands within the Borough of West Newton, Westmoreland County.

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

7 Section 1. Release of restrictions in the Borough of West  
8 Newton, Westmoreland 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 West Newton,  
14 Westmoreland County, which is more particularly described in  
15 subsection (c), in exchange for the development of park and open  
16 space lands as provided in subsection (d).

17 (b) Land to be released from Project 70 restrictions.--The  
18 Borough of West Newton intends to sell a portion of the land it

1 owns and wishes to release the land described in subsection (c)  
2 from Project 70 restrictions.

3 (c) Description of premises to be conveyed.--The land to be  
4 conveyed shall be ALL THAT CERTAIN parcel of land lying and  
5 situate between South Water Street and the Youghiogheny River in  
6 the Borough of West Newton, Westmoreland County, Pennsylvania,  
7 being more fully described as follows, to wit:

8 FIRST:

9 BEGINNING at a point on the West side of South Water Street and  
10 a post corner on land now or formerly of Nannie C. Montgomery;  
11 Thence along said South Water Street, South 35°45' West, a  
12 distance of 71.50 feet to a point at the South end of a two-  
13 story brick dwelling;  
14 Thence on a line along the South end of said brick dwelling to a  
15 point on the bank of the Youghiogheny River;  
16 Thence North 25°45' East along the Youghiogheny River, a  
17 distance of 72.51 feet to a point on the bank of the  
18 Youghiogheny River and land now or formerly of Nannie C.  
19 Montgomery;  
20 Thence in an Eastwardly direction along the line of land now or  
21 formerly of Nannie C. Montgomery, a distance of 122 feet, more  
22 or less, to the post corner on the West side of South Water  
23 Street, being the place of beginning.

24 SECOND:

25 BEGINNING at a point on the West side of South Water Street at  
26 corner of lot of ground now or formerly of Mabel R. Duncan;  
27 Thence along the West side of South Water Street, South 35°45'  
28 West, a distance of 210.50 feet to a point at the corner of land  
29 now or formerly of the C.S. Weimer estate;  
30 Thence by said land now or formerly of said estate, North 54°15'

1 West, a distance of 47 feet to a point on the bank of the  
2 Youghiogheny River;  
3 Thence along said river, North 11°06' East, a distance of 93.5  
4 feet to a point;  
5 Thence still along said river, North 28°45' East, a distance of  
6 126.46 feet to a point on said river bank at the corner of land  
7 now or formerly of Mabel R. Duncan;  
8 Thence in an Eastwardly direction along the line of land now or  
9 formerly of Mabel R. Duncan to a point on the North side of  
10 South Water Street, being the place of beginning.  
11 Being the same premises known as the John C. Plumer House, which  
12 the Historical Society of West Newton, by deed dated February  
13 23, 1968 and recorded in Westmoreland County Deed Book Volume  
14 1979, page 1147, granted and conveyed unto the Borough of West  
15 Newton.

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

29 Section 2. Effective date.

30 This act shall take effect immediately.