
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL
No. 1308 Session of
2008

INTRODUCED BY McILHINNEY, MARCH 13, 2008

AS REPORTED FROM COMMITTEE ON STATE GOVERNMENT, HOUSE OF
REPRESENTATIVES, AS AMENDED, JUNE 26, 2008

AN ACT

1 Authorizing the Pennsylvania Fish and Boat Commission to grant
2 and convey to Solebury Township, certain lands situate in
3 Solebury Township, Bucks County.

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

6 Section 1. Solebury Township, Bucks County.

7 (a) Authorization.--Under the requirements of section 20(b)
8 of the act of June 22, 1964 (Sp.Sess., P.L.131, No.8), known as
9 the Project 70 Land Acquisition and Borrowing Act, the
10 Pennsylvania Fish and Boat Commission is hereby authorized on
11 behalf of the Commonwealth of Pennsylvania to grant and convey
12 to Solebury Township a portion of its Ingham Spring property,
13 known as the Kate Smith Tract situate in Solebury Township,
14 Bucks County, and acquired by the commission by deed recorded in
15 the Bucks County Recorder of Deeds Office in Deed Book 1848,
16 Page 949. The commission is further authorized on behalf of the
17 Commonwealth of Pennsylvania to grant and convey to Solebury

1 Township a portion of its Ingham Spring property, known as the
2 Judy Tract, situate in Solebury Township, Bucks County, and
3 acquired by the commission by deed recorded in Bucks County
4 Recorder of Deeds Office Book 577, Page 223.

5 (b) Description.--The property to be conveyed pursuant to
6 this section consists of approximately 47.986 acres, and all
7 improvements thereon, bounded and more particularly described as
8 follows:

9 TRACT NO. 1

10 Premises "A"

11 ALL THAT CERTAIN messuage and lot or piece of ground with the
12 spring or springs of water arising thereout, formerly known as
13 the Ingham Spring, situate in the Township of Solebury, County
14 of Bucks and Commonwealth of Pennsylvania, bounded and described
15 as follows, to wit:

16 BEGINNING at a point in the middle of a public road called
17 Spring Road (now Lower Mountain Road) which leads into the
18 Lahaska and New Hope Turnpike Road (now State Route 202); thence
19 extending along the middle of the said Spring Road North 14
20 degrees 50 minutes East 15.14 perches to another point, in the
21 middle of the said Spring Road; thence still extending along the
22 middle of the said road North 32 degrees East 26.14 perches to
23 another point in the middle of the Lahaska and New Hope Turnpike
24 Road; thence along the middle of the last mentioned Road North
25 71.5 degrees East 22.62 perches to another point in the middle
26 of said Turnpike Road; thence extending by lands formerly of
27 Andrew Jackson Beaumont now or late of Richard V. Mattison,
28 South 10.75 degrees East 45.17 perches to a corner in other land
29 formerly of Andrew Jackson Beaumont, now or late of the Solebury
30 Deer Park Association; thence by the same land South 80 degrees

1 West 27.01 perches to a stake; thence still by the same land
2 South 75 degrees 50 minutes West 3.06 perches to a stump; and
3 thence still by the same land North 72 degrees 25 minutes West
4 19.64 perches to the place of BEGINNING.

5 CONTAINING 10 acres of land, more or less.

6 EXCEPTING AND RESERVING all that certain messuage and lot or
7 piece of ground with a spring of water arising there out,
8 formerly known as the Ingham Spring, situate in the Township of
9 Solebury, County of Bucks and Commonwealth of Pennsylvania,
10 bounded and described as follows, to wit:

11 BEGINNING at a point in the center of Lower Mountain Road also
12 known as Spring Road being the southwestern most point and point
13 of beginning of the aforementioned parcel; thence continuing
14 along the centerline of the said road North 14 degrees 44
15 minutes 5 seconds East 120 feet to a point; thence South 75
16 degrees 15 minutes 55 seconds East 50 feet to a point; thence
17 South 15 degrees 55 minutes 30 seconds East 146.77 feet to a
18 point on the common line of lands now or formerly of Solebury
19 Deer Park; thence North 72 degrees 23 minutes 52 seconds West
20 125 feet to the point of BEGINNING.

21 CONTAINING 0.244 acres of land, more or less.

22 Premises "B"

23 ALL THAT CERTAIN tract or piece of land situate in Solebury
24 Township, on which is a body of water known as the "Big Dam,"
25 bounded and described as follows, to wit:

26 BEGINNING at an iron pin in the middle of the New Hope and
27 Lahaska Turnpike Road a corner of land formerly of Henry C. Ward
28 and Charles G. Foster, now or late of Richard V. Mattison;
29 thence along the middle of said Turnpike North 71.5 degrees East
30 48.71 perches to an iron pin a corner of land now of late of

1 Thomas T. Pool; thence along said land at a right angle with the
2 middle of the said Turnpike South 18.5 degrees East 52.30
3 perches, (said line being 72 feet East or below the overflow in
4 the head race from said dam) to a stake in line of land
5 belonging now or late to Solebury Deer Park Association; thence
6 along said land South 80 degrees West 55.80 perches to a stake a
7 corner of land of said Henry C. Ward and Charles G. Foster;
8 thence along the same North 10 degrees 40 minutes West 45.17
9 perches to the place of BEGINNING.

10 CONTAINING 15 acres and 115 square perches of land, more or
11 less.

12 TRACT NO. 2

13 BEGINNING at a point in the center line of U.S. Route 202;
14 thence and by the center line of U.S. Route 202 North 71 degrees
15 50 minutes East a distance of 310.7 feet, more or less, to a
16 point; thence and continuing by the center line of U.S. Route
17 202 North 72 degrees 30 minutes East a distance of 637.3 feet,
18 more or less, to a point, said point being the northeast corner
19 of the herein described tract; thence South 17 degrees 26
20 minutes East a distance of 1,104.86 feet, more or less, to a
21 point; thence South 71 degrees 22 minutes West a distance of
22 403.23 feet, more or less, to a point; thence South 85 degrees
23 57 minutes West a distance of 172 feet, more or less, to a
24 point; thence North 21 degrees 55 minutes West a distance of 162
25 feet, more or less, to a point; thence South 79 degrees 45
26 minutes West a distance of 354.8 feet, more or less, to a point;
27 thence North 18 degrees 10 minutes West a distance of 863.12
28 feet, more or less, to the point and place of BEGINNING.

29 CONTAINING 22.51 acres of land, more or less.

30 (c) Purpose of conveyance.--The Pennsylvania Fish and Boat

1 Commission is authorized to convey the property described in
2 subsection (b) to Solebury Township, Bucks County, to be used
3 for recreation, conservation and historical purposes, as said
4 purposes are defined in the Project 70 Land Acquisition and
5 Borrowing Act. The commission shall convey the property to the
6 township for fair market value as determined by a licensed
7 certified appraiser conforming to the Uniform Standards for
8 Federal Land Acquisition and taking into account the restrictive
9 covenants, easements and reservations set forth in the agreement
10 between the commission and the township for the property and
11 made part of the public record.

12 (d) Conditions.--The conveyance shall be made under and
13 subject to all lawful and enforceable easements, servitudes and
14 rights of others, including, but not confined to, streets,
15 roadways and rights of any telephone, telegraph, water,
16 electric, gas or pipeline companies, and the agreement described
17 in subsection (c) as well as under and subject to any lawful and
18 enforceable estates or tenancies vested in third persons
19 appearing of record or visible in the field, for any portion of
20 the land or improvements erected thereon.

21 (E) LAND USE RESTRICTION.--ALL DEEDS OR LEASES AUTHORIZED OR <—
22 REFERRED TO UNDER THIS SECTION SHALL BE MADE UNDER AND SUBJECT
23 TO THE CONDITION, WHICH SHALL BE CONTAINED IN THE DEED OR LEASE
24 DOCUMENTS, THAT NO PORTION OF THE PARCELS SHALL BE USED AS A
25 LICENSED FACILITY AS DEFINED IN 4 PA.C.S. § 1103 (RELATING TO
26 DEFINITIONS) OR ANY OTHER SIMILAR TYPE OF FACILITY AUTHORIZED
27 UNDER THE LAWS OF THIS COMMONWEALTH. THIS CONDITION SHALL BE A
28 COVENANT RUNNING WITH THE LAND AND SHALL BE BINDING UPON THE
29 DEED OR LEASE OR SUBLESSEES AND THEIR RESPECTIVE SUCCESSORS AND
30 ASSIGNS. SHOULD ANY PORTION OF ANY PARCEL AUTHORIZED FOR

1 CONVEYANCE UNDER THIS SECTION BE USED IN VIOLATION OF THIS
2 SUBSECTION, THE TITLE SHALL IMMEDIATELY REVERT TO AND REVEST IN
3 THE GRANTOR.

4 ~~(e)~~ (F) Execution of deed.--The deed of conveyance from the <—
5 commission to the township shall be a special warranty deed and
6 shall be executed by the executive director of the commission in
7 the name of the Commonwealth of Pennsylvania for use by the
8 commission and shall be approved for legality and form by the
9 commission's counsel and the Office of Attorney General.

10 ~~(f)~~ (G) Costs and fees.--All costs and fees incidental to <—
11 this conveyance shall be borne by the township and provided for
12 at closing.

13 ~~(g)~~ (H) Deposit of proceeds.--All proceeds from the sale of <—
14 the property described in subsection (b) shall be deposited in a
15 restricted revenue account within the Fish Fund and used for the
16 acquisition of lands meeting the standards for acquisition
17 described in section 18(b) of the act of June 22, 1964
18 (Sp.Sess., P.L.131, No.8), known as the Project 70 Land
19 Acquisition and Borrowing Act.

20 ~~(h)~~ (I) Reversion.--In the event the property described in <—
21 subsection (b) is not used for recreation, conservation and
22 historical purposes, as defined in the Project 70 Land
23 Acquisition and Borrowing Act, ownership of the property shall
24 revert to the Commonwealth. This provision shall be specified in
25 the deed of conveyance.

26 Section 2. Effective date.

27 This act shall take effect immediately.