

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 243 Session of 2011

INTRODUCED BY KASUNIC, JANUARY 31, 2011

REFERRED TO STATE GOVERNMENT, JANUARY 31, 2011

AN ACT

1 Authorizing the Department of General Services, with the
2 approval of the Department of Conservation and Natural
3 Resources and the Governor, to grant and convey to Ohiopyle
4 Borough certain lands situate in Ohiopyle Borough, Fayette
5 County, in exchange for Ohiopyle Borough granting and
6 conveying certain lands to the Commonwealth of Pennsylvania
7 to be added to those existing lands at Ohiopyle State Park.

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

10 Section 1. Conveyance in Ohiopyle Borough, Fayette County.

11 The Department of General Services, with the approval of the
12 Department of Conservation and Natural Resources and the
13 Governor, is hereby authorized on behalf of the Commonwealth of
14 Pennsylvania to grant and convey to Ohiopyle Borough, subject to
15 residential use only restrictions, and free of restrictions on
16 use and alienation imposed by section 20 of the act of June 22,
17 1964 (Sp.Sess., P.L.131, No.8), known as the Project 70 Land
18 Acquisition and Borrowing Act, certain lands situate in Ohiopyle
19 Borough, Fayette County, in exchange for that certain property
20 to be conveyed to the Commonwealth of Pennsylvania in accordance
21 with section 3.

1 Section 2. Description of property.

2 The property to be conveyed in accordance with section 1
3 consists of one tract of land totaling approximately 2.65 acres
4 and improvements thereon bounded and more particularly described
5 as follows:

6 ALL THAT CERTAIN tract of land situate in the Borough of
7 Ohiopyle, County of Fayette, Commonwealth of Pennsylvania.

8 BEGINNING at Found Rebar & Cap S 52 degrees, 23 minutes, 42
9 seconds West 166.64 feet, thence S 43 degrees, 58 minutes, 40
10 seconds East 262.44 feet, thence S 47 degrees, 18 minutes, 52
11 seconds West 224.94 feet, thence N 44 degrees, 12 minutes, 20
12 seconds West 144.96 feet, thence along the same 10.5 feet,
13 thence S 46 degrees, 18 minutes, 49 seconds West 50.00 feet,
14 thence S 44 degrees, 09 minutes, 33 seconds East 258.03 feet,
15 thence N. 50 degrees, 16 minutes, 07 seconds East 496.84 feet,
16 thence N 52 degrees, 04 minutes, 10 seconds West 392.39 feet to
17 the place of Beginning.

18 CONTAINING 2.65 acres more or less.

19 Section 3. Authorization to receive property.

20 The Department of General Services, with the approval of the
21 Department of Conservation and Natural Resources and the
22 Governor, is hereby authorized on behalf of the Commonwealth of
23 Pennsylvania to receive from Ohiopyle Borough certain lands
24 situate in Ohiopyle Borough, Fayette County, in exchange for
25 that property to be conveyed to the Borough in accordance with
26 section 1.

27 Section 4. Description of property to be received.

28 The property to be conveyed in accordance with section 3
29 consists of approximately 2.65 acres and improvements, except
30 the sewer treatment plant and its utilities as outlined in the

1 agreement between Ohiopyle Borough and the Bureau of State
2 Parks, thereon bounded and more particularly described in the
3 Fayette County Deed Book 1043 Page 701:

4 All that certain parcel of land situate in the Borough of
5 Ohiopyle, Fayette County, Pennsylvania, bounded on the south
6 by Meadow Run, on the east by a public highway known as
7 Travel Route 381, for a distance of 900 feet northwardly from
8 Meadow Run, on the north by a line extending to the
9 Youghiogheny River having a bearing of North 85° 32' 30" West
10 and on the west by the east bank of the Youghiogheny River in
11 a southerly direction to Meadow Run. Containing 2.65 acres
12 and being the area outlined in red on drawing prepared by the
13 Chester Engineering dated 1965, attached herto and made part
14 hearof.

15 CONTAINING in area 2.65 acres, more or less.

16 Section 5. Easements and encumbrances.

17 The conveyances described in this act shall be made
18 concurrently and under and subject to all lawful and enforceable
19 easements, servitudes and rights of others, including, but not
20 confined to, streets, roadways and rights of any telephone,
21 telegraph, water, electric, gas or pipeline companies, as well
22 as under and subject to any lawful and enforceable estates or
23 tenancies vested in third persons appearing of record, for any
24 portion of the land or improvements erected thereon.

25 Section 6. Restrictive covenants.

26 (a) Project 70 restrictions.--The Department of Conservation
27 and Natural Resources, with the approval of the Department of
28 General Services, shall impose and record Project 70
29 restrictions on the property to be conveyed in accordance with
30 section 3.

1 (b) Other restrictions.--Any conveyance authorized under
2 section 1 shall be made under and subject to the condition,
3 which shall be contained in the deed of conveyance, that no
4 portion of the property conveyed to Ohiopyle Borough shall be
5 used as a licensed facility, as defined in 4 Pa.C.S. § 1103
6 (relating to definitions), or any other similar type of facility
7 authorized under the laws of this Commonwealth. The condition
8 shall be a covenant running with the land and shall be binding
9 upon Ohiopyle Borough, its successors and assigns. Should
10 Ohiopyle Borough, its successors or assigns permit any portion
11 of the property authorized to be conveyed to the borough in this
12 act to be used in violation of this subsection, the title shall
13 immediately revert to and revest in the Commonwealth of
14 Pennsylvania.

15 (c) Essential use restrictions.--The Department of General
16 Services, with the approval of the Department of Conservation
17 and Natural Resources, shall impose residential use only
18 restrictions on the property to be conveyed in accordance with
19 section 2.

20 Section 7. Special warranty deed.

21 The deed for the conveyance of the property in accordance
22 with sections 1 and 3 shall be by special warranty deed and
23 shall be executed by the Secretary of General Services in the
24 name of the Commonwealth of Pennsylvania.

25 Section 8. Costs.

26 All costs and fees incidental to the conveyances contained in
27 this act shall be borne by the Department of Conservation and
28 Natural Resources.

29 Section 9. Expiration of authorization.

30 In the event that these conveyances are not executed within

1 12 months of the effective date of this act, the authorization
2 contained in this act shall become null and void.
3 Section 10. Effective date.
4 This act shall take effect immediately.