

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1602 Session of
2013

INTRODUCED BY CORBIN, JUNE 29, 2013

AS REPORTED FROM COMMITTEE ON STATE GOVERNMENT, HOUSE OF
REPRESENTATIVES, AS AMENDED, JANUARY 14, 2014

AN ACT

1 Approving the release of Project 70 restrictions on certain land
2 owned by the Borough of Downingtown, Chester County, in
3 return for the development of public park improvements within
4 Kardon Park within the Borough of Downingtown and East Caln
5 Township, Chester County; and making a related repeal.

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

8 Section 1. Release of restrictions in 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 approves the release of Project 70 restrictions
13 from the land owned by the Borough of Downingtown, Chester
14 County, which is more particularly described in subsection (c)
15 in accordance with the following conditions:

16 (1) The following apply to consideration:

17 (i) Project 70 restrictions removed from the land
18 described in subsection (c) shall be for \$285,000, which
19 is the fair market value of the restrictions as

1 established by a self-contained appraisal report prepared
2 by a State-certified general appraiser certified under
3 the act of July 10, 1990 (P.L.404, No.98), known as the
4 Real Estate Appraisers Certification Act.

5 (ii) Any land within the area described in
6 subsection (c) sold by the Borough of Downingtown,
7 without Project 70 restrictions, shall be for an amount
8 equal to or greater than the fair market value of the
9 land as established by a self-contained appraisal report
10 prepared by a State-certified general appraiser certified
11 under the Real Estate Appraisers Certification Act.

12 (2) The proceeds of the sale of the land and the release
13 of the Project 70 restrictions shall be deposited into an
14 interest-bearing account established by the Borough of
15 Downingtown and designated solely for the purposes of the
16 conditions under this subsection.

17 (3) The money in the interest-bearing account shall be
18 used by the Borough of Downingtown for the sole purpose of
19 improvements to Kardon Park in accordance with a development
20 plan, including, BUT NOT LIMITED TO: <--

21 (i) Construction plans and specifications prepared
22 by a licensed engineer or landscape architect and
23 preapproved in writing by the department.

24 (ii) The following improvements for use by the
25 public:

26 (A) Trails.

27 (B) Pedestrian bridges.

28 (C) Parking.

29 (D) Docks and boating slips.

30 (E) Enhancements to the water quality and

1 quantity of the ponds and millrace. This clause
2 includes:

3 (I) introduction of fresh water and
4 ~~foundations~~ FOUNTAINS; and <--

5 (II) aeration devices.

6 (F) Wetlands plantings.

7 (G) Remediation of environmentally contaminated
8 soils.

9 (H) Landscaping.

10 (I) Measures to save existing mature trees.

11 (J) Lighting.

12 (K) Signage.

13 (L) Par courses.

14 (M) Fencing.

15 (iii) Improvements to protect safety of pedestrians
16 crossing the Struble Trail.

17 (4) The Borough of Downingtown shall certify to the
18 department that an area of land matching the metes and bounds
19 description in subsection (d) has been deed restricted for
20 public park use, which (deed restriction) has been recorded
21 by the Borough of Downingtown in the form and substance
22 acceptable to the department. The department and the Borough
23 of Downingtown may mutually agree on adjustments to the metes
24 and bounds of the public park land as long as the public park
25 land is not less than 20.0 acres in size.

26 (b) Use of ~~money~~ FUNDS securing the public park <--
27 improvements.--In accordance with the requirements set forth in
28 subsection (a):

29 (1) The ~~money~~ FUNDS, including interest, shall be used <--
30 solely to ensure the development of public park improvements

1 within Kardon Park constructed or caused to be constructed by
2 the Borough of Downingtown in accordance with the plan
3 approved by the department. The ~~money~~ FUNDS shall be released <--
4 for the development of the Kardon Park following approval of
5 the development plan as set forth in subsection (a) (3).

6 (2) Any ~~money~~ FUNDS, including interest, remaining five <--
7 years after the date the ~~money is~~ FUNDS ARE deposited, unless <--
8 extended by the department for a period not to exceed two
9 years, shall immediately be paid to the department for
10 deposit in the department's General Restricted Revenue Fund
11 for the purpose of funding conservation and recreation
12 grants. Failure to make the payment shall result in the
13 amount of ~~money~~ FUNDS, including interest, constituting a <--
14 debt by the Borough of Downingtown to the Commonwealth.

15 (c) Land subject to the release from Project 70
16 restrictions.--The land which is subject to the release from
17 Project 70 restrictions in accordance with the provisions under
18 subsection (a) is as follows:

19 All that certain tract of land situate in East Caln Township,
20 Chester County, Pennsylvania, as shown on a plan entitled "P-
21 70 Park Plan" prepared by Commonwealth Engineers, Inc.,
22 Downingtown, Pennsylvania, dated July 18, 2012, and being
23 more fully described as follows:

24 Beginning at an existing railroad spike (set) located in the
25 center of Norwood Road, said point being the northwestern
26 corner of parcel 4001 00223010e in East Caln Township,
27 Chester County, Pennsylvania, and the true point of
28 beginning;

29 Thencefrom the beginning of left curve from which the radius
30 point bears north 28°51'05" west, northeasterly and northerly

1 a distance of 443.47 feet along the curve concave to the
2 northwest, having a radius of 345.61 feet and a central angle
3 of 73°31'06";

4 Thence north 12°22'11" west tangent to said curve, a distance
5 of 67.97 feet;

6 Thence north 72°52'49" east, a distance of 604.99 feet;

7 Thence south 13°06'52" east, a distance of 762.14 feet;

8 Thence south 76°49'32" west, a distance of 405.48 feet;

9 Thence south 16°56'28" east, a distance of 171.56 feet;

10 Thence south 83°37'40" west, a distance of 474.54 feet;

11 Thence north 14°12'52" west, a distance of 130.69 feet;

12 Thence north 77°50'08" east, a distance of 17.50 feet;

13 Thence north 14°12'52" west, a distance of 309.33 feet to the
14 point of beginning.

15 Containing 14.177 acres, more or less.

16 (d) Lands subject to the deed restriction.--The lands which
17 are subject to the deed restriction as required by subsection
18 (a) (4) are as follows:

19 Parcel "A"

20 All that certain tract of land situate in Downingtown Borough
21 and East Caln Township, Chester County, Pennsylvania, as shown
22 on a plan entitled -"A" Park Area Legal Description Plan-
23 prepared by Commonwealth Engineers, Inc., Downingtown,
24 Pennsylvania, dated September 7, 2012, and being more fully
25 described as follows:

26 Beginning at an existing bolt (set) located in the center of
27 Pennsylvania Avenue, said point being the southeastern corner
28 of parcel ~~1104 0014020E~~ 1104 0023000E in Downingtown Borough, <--
29 Chester County, Pennsylvania, and the true point of
30 beginning;

1 Thence south $43^{\circ}46'50''$ west, a distance of 500.70 feet;
2 Thence south $43^{\circ}02'02''$ west, a distance of 5.40 feet;
3 Thence north $30^{\circ}25'01''$ west, a distance of 136.79 feet;
4 Thence north $02^{\circ}57'50''$ east, a distance of 361.29 feet;
5 Thence south $87^{\circ}02'10''$ east, a distance of 123.32 feet;
6 Thence north $14^{\circ}36'16''$ east, a distance of 111.23 feet;
7 Thence north $01^{\circ}41'02''$ east, a distance of 237.40 feet;
8 Thence north $46^{\circ}12'15''$ west, a distance of 361.72 feet;
9 Thence north $01^{\circ}41'02''$ east, a distance of 129.44 feet;
10 Thence north $43^{\circ}18'58''$ west, a distance of 73.53 feet;
11 Thence north $01^{\circ}41'02''$ east, a distance of 83.92 feet;
12 Thence north $43^{\circ}18'58''$ west, a distance of 19.80 feet;
13 Thence north $88^{\circ}18'58''$ west, a distance of 39.21 feet;
14 Thence north $41^{\circ}40'09''$ west, a distance of 24.75 feet;
15 Thence north $88^{\circ}18'58''$ west, a distance of 136.35 feet to the
16 beginning of a curve concave to the southwest having a radius
17 of 367.00 feet and a central angle of $13^{\circ}35'22''$ and being
18 subtended by a chord which bears north $33^{\circ}05'05''$ west 86.84
19 feet;
20 Thence northwesterly along said curve, a distance of 87.04
21 feet; Thence north $39^{\circ}52'46''$ west tangent to said curve, a
22 distance of 277.81 feet to the beginning of a curve tangent
23 to said line;
24 Thence northwesterly a distance of 34.60 feet along the curve
25 concave to the southwest, having a radius of 187.00 feet and
26 a central angle of $10^{\circ}36'07''$;
27 Thence north $50^{\circ}28'53''$ west tangent to said curve, a distance
28 of 55.38 feet to the beginning of a curve concave to the west
29 having a radius of 345.61 feet and a central angle of
30 $45^{\circ}44'34''$ and being subtended by a chord which bears north

1 10°30'06" east 268.65 feet;
2 Thence northeasterly and northerly along said curve, a
3 distance of 275.92 feet;
4 Thence north 12°22'11" west tangent to said curve, a distance
5 of 67.97 feet;
6 Thence north 72°52'49" east, a distance of 604.99 feet;
7 Thence south 13°06'52" east, a distance of 762.14 feet;
8 Thence south 13°06'28" east, a distance of 1148.90 feet to
9 the point of beginning.

10 Containing 19.107 acres.

11 Parcel "B"

12 All that certain tract of land situate in Downingtown Borough
13 and East Caln Township, Chester County, Pennsylvania, as
14 shown on a plan entitled "Park Area Legal Description Plan"
15 prepared by Commonwealth Engineers, Inc., Downingtown,
16 Pennsylvania, dated September 7, 2012, and being more fully
17 described as follows:

18 Beginning at an existing railroad spike (set) located in the
19 center of Norwood Road, said point being the northwestern
20 corner of parcel 4001 0023010e in East Caln Township, Chester
21 County, Pennsylvania, and the true point of beginning;

22 Thence from the beginning of left curve from which the radius
23 point bears north 28°51'05" west, northeasterly a distance of
24 97.93 feet along the curve concave to the northwest, having a
25 radius of 345.61 feet and a central angle of 16°14'03";

26 Thence south 50°28'53" east, a distance of 54.93 feet to the
27 beginning of a curve tangent to said line;

28 Thence southeasterly a distance of 21.74 feet along the curve
29 concave to the southwest, having a radius of 117.50 feet and
30 a central angle of 10°36'07";

1 Thence south 39°52'46" east tangent to said curve, a distance
2 of 178.08 feet;
3 Thence south 50°07'15" west, a distance of 190.53 feet;
4 Thence south 75°47'08" west, a distance of 39.06 feet;
5 Thence north 14°12'52" west, a distance of 268.18 feet to the
6 point of beginning.

7 Containing .990 acres.

8 Total restricted park property contains 20.097 acres, more or
9 less.

10 (e) Definition.--As used in this section, the term
11 "department" means the Department of Conservation and Natural
12 Resources of the Commonwealth.

13 Section 2. Repeal.

14 (a) Declaration of policy.--The General Assembly declares
15 that the repeal under subsection (b) is necessary to effectuate
16 section 1.

17 (b) Provision.--Section 6 of the act of October 24, 2012
18 (P.L.1293, No.162), entitled "An act authorizing the Department
19 of Conservation and Natural Resources to release, upon the
20 satisfaction of certain conditions, Project 70 restrictions on
21 certain land owned by the West Rockhill - Sellersville Joint
22 Recreation Authority, Bucks County; authorizing the conveyance
23 of an easement and the release of Project 70 restrictions
24 imposed on a portion of land owned by the Pennsylvania Fish and
25 Boat Commission in Gamble Township, Lycoming County, in return
26 for the imposition of Project 70 restrictions on certain land
27 being conveyed to the commission in Gamble Township, Lycoming
28 County, and other terms and conditions; authorizing the sale and
29 transfer of title for Project 70 lands owned by Erie County to
30 Springfield Township, Erie County; authorizing Westmoreland

1 County to convey and transfer a fee interest in certain Project
2 70 land in Unity Township free of Project 70 restrictions in
3 return for the imposition of Project 70 restrictions on other
4 land in Unity Township to be acquired by Westmoreland County;
5 authorizing the Department of General Services, with the
6 approval of the Department of Military and Veterans Affairs and
7 the Governor, to grant and convey to QRS Realty Corp. certain
8 lands and building situate in the City of Erie, Erie County; and
9 approving the release of Project 70 restrictions on certain land
10 owned by the Borough of Downingtown, Chester County, in return
11 for the development of public park improvements within Kardon
12 Park within the Borough of Downingtown and East Caln Township,
13 Chester County," is repealed.

14 Section 3. This act shall take effect immediately.