

CONVEYANCE - COMMONWEALTH PROPERTY IN UNION TOWNSHIP, LEBANON COUNTY AND IN WHITEMARSH AND SPRINGFIELD TOWNSHIPS, MONTGOMERY COUNTY

Act of Apr. 19, 2022, P.L. 66, No. 20

Cl. 85

An Act

Authorizing the Department of Conservation and Natural Resources, with the approval of the Governor, to grant and convey to Kyle A. and Tamara J. Boltz certain lands situate in Union Township, Lebanon County, in exchange for Kyle A. and Tamara J. Boltz's granting and conveying certain lands to the Commonwealth of Pennsylvania, Department of Conservation and Natural Resources, to be added to those existing lands at Swatara State Park; and authorizing the Department of Conservation and Natural Resources, with the approval of the Governor, to grant and convey to Erdenheim Farm (EQ), L.P., certain lands situate in Whitemarsh and Springfield Townships, Montgomery County, in exchange for Erdenheim Farm (EQ), L.P., causing to convey to the Commonwealth of Pennsylvania a tract of land to be added to Marsh Creek State Park.

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

Section 1. Conveyance in Union Township, Lebanon County.

(a) Authorization.--The Department of Conservation and Natural Resources, with the approval of the Governor, is hereby authorized on behalf of the Commonwealth of Pennsylvania to grant and convey to Kyle A. and Tamara J. Boltz certain lands situate in Union Township, Lebanon County, in exchange for that certain property to be conveyed to the Commonwealth of Pennsylvania in accordance with subsection (c).

(b) Property description.--The property to be conveyed in accordance with this section consists of approximately 4.191 acres, located in Union Township, Lebanon County, Commonwealth of Pennsylvania, being a portion of that land conveyed by the United States of America acting by and through the Regional Director, National Park Service, Mid-Atlantic Region, pursuant to authority delegated by the Secretary of the Interior, and as authorized by the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended, and particularly as amended by Public Law 91-485 (84 Stat. 1084), and regulations and orders promulgated thereunder to Bureau of State Parks, Commonwealth of Pennsylvania, by deed dated April 12, 1989, and recorded in the Office of the Recorder of Deeds of Lebanon County, Pennsylvania, in Deed Book 285 at Page 109. Beginning at a point marked with rebar, said point being located along the common division line between Kyle A. and Tamara J. Boltz and the Commonwealth of Pennsylvania, said point being Southerly corner of the lands of the Commonwealth of Pennsylvania herein described; thence, along the line of lands of Kyle A. and Tamara J. Boltz, North fourteen degrees forty-three minutes fifty seconds East (N 14°43'50" E) a distance of one thousand one hundred twenty and eighty-two hundredth feet (1120.82 ft) to a point marked with rebar; thence, through the lands of the Commonwealth of Pennsylvania, South seventy-five degrees fifteen minutes fifty seconds East (S 75°15'50" E) a distance of three hundred thirty-one and ten hundredths feet (331.10); thence, along common division line between the lands of the Commonwealth of Pennsylvania and Kyle

A. and Tamara J. Boltz, South thirty-four degrees thirty-eight minutes twenty-one seconds West (S 34°38'21" W) a distance of eighty-four and ninety-three hundredths feet (84.93 ft) to a point marked with a pipe; thence, along common division line between the lands of the Commonwealth of Pennsylvania and Kyle A. and Tamara J. Boltz, South thirty degrees fifty-seven minutes three seconds West (S 30°57'03" W) a distance of four hundred forty-six and sixty-four hundredths feet (446.64 ft) to a point marked with a pipe; thence, along common division line between the lands of the Commonwealth of Pennsylvania and Kyle A. and Tamara J. Boltz, South thirty degrees fifty-one minutes forty-nine seconds West (S 30°51'49" W) a distance of two hundred sixty-one and sixty-seven hundredths feet (261.67 ft) to a point marked with a pipe; thence, along common division line between the lands of the Commonwealth of Pennsylvania and Kyle A. and Tamara J. Boltz, South thirty degrees fifty-six minutes twelve seconds West (S 30°56'12" W) a distance of three hundred seventy-five and eighty hundredths feet (375.80 ft) to the point of beginning; containing an area of 4.191 acres.

(c) Conveyance of lands to Commonwealth.--The Department of Conservation and Natural Resources, with the approval of the Governor, is hereby authorized on behalf of the Commonwealth of Pennsylvania to receive from Kyle A. and Tamara J. Boltz certain lands situate in Union Township, Lebanon County, in exchange for that property to be conveyed to Kyle A. and Tamara J. Boltz in accordance with this section.

(d) Property description of lands to Commonwealth.--The property to be conveyed in accordance with subsection (c) consists of approximately 11.908 acres, located in Union Township, Lebanon County, Commonwealth of Pennsylvania, being a portion of that land conveyed by David A. Carbaugh to Kyle A. and Tamara J. Boltz by deed dated August 8, 2002, and recorded in the Office of the Recorder of Deeds of Lebanon County, Pennsylvania, in Deed Book 2010 at Page 3375. Also being a portion of that land recorded in a boundary line agreement between Kyle A. and Tamara J. Boltz and Charles and Patricia A. Gamler and recorded in the Office of the Recorder of Deeds of Lebanon County, Pennsylvania, on August 24, 2004, in Deed Book 2050 at Page 4634; and being Tract 5 on the final lot line relocation plan for the Commonwealth and Kyle A. and Tamara J. Boltz, Union Township, Lebanon County, Pennsylvania, as prepared by Keller Engineers, Inc., said plan having a date of June 15, 2007, and being filed in the Office of the Recorder of Deeds of Lebanon County, Pennsylvania, on September 11, 2012, as Instrument No. 201214241 and Plat Book 76, Page 266. Beginning at a point marked with a pipe, said point being located along the common division line between Kyle A. and Tamara J. Boltz and the Commonwealth of Pennsylvania a distance of one-thousand nine-hundred fifty feet (1,950 ft) more or less Northeasterly from the centerline of Pennsylvania SR 1020 (Fredericksburg Road); thence, along said common division line North twenty-eight degrees forty-three minutes nineteen seconds East (N 28°43'19" E) a distance of one-hundred twenty-four and twenty hundredths feet (124.20 ft) to a point marked with a pipe; thence, along said common division line North one degree eighteen minutes fourteen seconds East (N 01°18'14" E) a distance of two-hundred seventy-four and twenty-three hundredths feet (274.23 ft) to a point marked with a pipe; thence, along said common division line North eleven degrees four minutes forty-six seconds East (N 11°04'46" E) a distance of two-hundred fifty-seven and forty-two hundredths feet (257.42 ft) to a point marked with a concrete monument; thence, along said common

division line North six degrees two minutes fifty-three seconds East (N 06°02'53" E) a distance of one-hundred fifty-seven and fifty-five hundredths feet (157.55 ft) to a point marked with a pipe; thence, along said common division line South eighty-one degrees two minutes twenty-seven seconds East (N 81°02'27" E) a distance of thirty-four and seventy-seven hundredths feet (34.77 ft) to a point marked with a pipe; thence, along said common division line North two degrees two minutes thirteen seconds East (N 02°02'13" E) a distance of three-hundred three and twenty-one hundredths feet (303.21 ft) to a point marked with a concrete monument; thence, along said common division line North eight degrees two minutes one second East (N 08°02'01" E) a distance of two-hundred eighty-four and thirty-one hundredths feet (284.31 ft) to a point marked with a concrete monument; thence, along said common division line North two degrees two minutes twenty-three seconds West (N 02°02'23" W) a distance of two-hundred thirty-three and twenty-eight hundredths feet (233.28 ft) to a point marked with a pipe; thence, along said common division line North thirty-nine degrees fifty-three minutes twenty-two seconds East (N 39°53'22" E) a distance of six-hundred fifteen feet (615.00 ft); thence, South nine degrees forty-one minutes thirteen seconds West (S 09°41'13" W) a distance of ninety-five feet (95.00 ft); thence, South thirteen degree forty-four minutes thirteen seconds West (S 13°44'13" W) a distance of six-hundred ninety-two feet (692.00 ft); thence, South one degree forty-nine minutes zero seconds East (S 01°49'00" E) a distance of nine-hundred fifty-nine and sixty-six hundredths feet (959.66 ft); thence, South eighty-eight degrees twenty-five minutes forty-eight seconds West (S 88°25'48" W) a distance of two-hundred two and fifty hundredths feet (202.50 ft); thence, South four degrees fifty-four minutes twelve seconds East (S 04°54'12" E) a distance of three-hundred feet (300.00 ft); thence, South six degrees eleven minutes forty-eight seconds West (S 06°11'48" W) a distance of two-hundred feet (200.00 ft); thence, North fifty-nine degrees twelve minutes fifteen seconds West (N 59°12'15" W) a distance of two-hundred ninety-six and fifty hundredths feet (296.50 ft) to the point of beginning; containing an area of 11.908 acres.

(e) Location of lands to Commonwealth.--The easement to be conveyed in accordance with subsection (c) consists of approximately 1.5 acres, located in Union Township, Lebanon County, Commonwealth of Pennsylvania, in accordance with subsection (f).

(f) Easement interest.--The property to be conveyed under subsection (c) constitutes an easement interest for the purpose of vehicular and pedestrian ingress, egress and regress and for the construction, installation, operation, repair, maintenance, replacement and removal of a public access trail, including the right to locate and install utilities and all necessary and convenient appurtenances to the public access trail. Motor vehicle use shall be limited to the Department of Conservation and Natural Resources, its successors, assigns, contractors, and invitees', activities related to the construction, installation, operation, repair, maintenance, replacement and removal of the public access trail and its appurtenances and utilities, located within the easement corridor or emergency vehicles. Beginning at a point on the centerline of Pennsylvania State Route 1020, said point being the centerline of the 30 foot-wide easement, North forty-seven degrees twenty-six minutes twenty-two seconds East (N 47°26'22" E) a distance of one hundred forty-two and eighty-three hundredths feet (142.83 ft);

thence, North eight degrees fifty-four minutes twelve seconds East (N 08°54'12" E) a distance of two hundred sixty-six and eight hundredths feet (266.08 ft); thence, North twenty-three degrees twenty-six minutes forty-eight seconds West (N 23°26'48" W) a distance of one hundred seventy and ninety-five hundredths feet (170.95 ft); thence, to the division line of the lands of the Commonwealth of Pennsylvania North fourteen degrees forty-four minutes ten seconds East (N 14°44'10" E) a distance of one thousand four hundred eighty-one and eighty-four hundredths feet (1,481.84 ft).

(g) Conditions of conveyance.--The conveyances described in this section shall be made concurrently and under and subject to all lawful and enforceable easements, servitudes and rights of others, including, but not limited to, streets, roadways and rights of any telephone, telegraph, water, electric, gas or pipeline companies, as well as under and subject to any lawful and enforceable estates or tenancies vested in third persons appearing of record, for any portion of the land or improvements erected thereon.

(h) Deeds.--The conveyances of the property in accordance with subsections (a), (c) and (e) shall be by special warranty deed.

(i) Costs and fees.--All costs and fees incidental to the conveyances contained in this section shall be borne by their respective parties.

Section 2. Conveyance in Whitemarsh and Springfield Townships, Montgomery County.

(a) Authorization.--The Department of Conservation and Natural Resources, with the approval of the Governor, is hereby authorized on behalf of the Commonwealth of Pennsylvania to grant and convey to Erdenheim Farm (EQ), L.P., (hereinafter referred to as "Erdenheim Farm"), certain lands situate in Whitemarsh and Springfield Townships, Montgomery County, in exchange for that certain property to be conveyed to the Commonwealth of Pennsylvania in accordance with subsection (c).

(b) Property description.--The property to be conveyed in accordance with subsection (a) consists of two tracts of land totaling approximately 8.7910 acres and improvements thereon, bounded and more particularly described as follows:
ALL THOSE TWO CERTAIN lots or pieces of ground situated partly in Whitemarsh Township and partly in Springfield Township, Montgomery County, Pennsylvania, bounded and described as follows:

TRACT 1: Beginning at an iron pin at the intersection of the middle lines of Stenton Avenue (or Blue Bell Road) and Flourtown Road (or Mill Road), a corner of land of Edward B. Krumbhaar, thence extending along said middle line of Flourtown Road and Krumbhaar's land North seventy-two degrees seventeen minutes and fifty-nine seconds East one hundred and thirty-four and three hundred and eighty-seven thousandths feet to a point, thence still parallel with Stenton Avenue South twelve degrees eleven minutes fifty-nine seconds West four hundred and twenty-one and two hundred and ninety-three thousandths feet to a point, thence still parallel with Stenton Avenue South nine degrees forty-three minutes one second East One thousand and seven hundred and forty-four thousandths feet to a point, thence still parallel with Stenton Avenue for the greater part South twenty-four degrees thirty-nine minutes one second East Eight hundred and thirty feet to a point, thence South thirty degrees twenty-six minutes twenty-nine seconds West Sixty-six and twenty-three thousandths feet to a point in the middle of Stenton Avenue in the line of land of the Bloomfield Farm late

of John T. Morris, thence along the middle line of Stenton Avenue and Morris's land North forty degrees twenty-seven minutes forty-one second West Two hundred and twenty-eight and eight hundred and sixty-one thousandths feet to a corner of said Morris's land, thence along said land South fifty-six degrees forth minutes thirty-nine seconds West Three hundred and eighty-three and forty-six hundredths feet to a stone at the corner of said land, thence North twenty-three degrees fifty-nine minutes fifty-nine seconds East Four hundred and eighty-two and eight hundred and eleven thousands feet to a point in the Westerly line of Stenton Avenue, thence along the same the following courses and distances (1) North twenty-four degrees thirty-nine minutes one second West Four hundred and four and seven hundred and forty-one thousandths feet, (2) North nine degrees forty-three minutes one second West One thousand and forty-three and nine hundred and twenty-eight thousandths feet, (3) North twelve degrees eleven minutes fifty-nine seconds East Three hundred and fifty-one and nine hundred and thirty-one thousandths feet, (4) North forty-eight degrees thirty-six minutes one second West Two hundred and twenty-five and seven hundred and sixty-one thousandths feet, and (5) North forty-four degrees fifty-three minutes one second West Three hundred and thirteen and two hundred and twenty-nine thousandths feet to a point in the middle line of Barren Hill Road, thence along said middle line North sixty-six degrees twenty-six minutes fifty-nine seconds East Seventeen and seven hundred and fourteen thousandths feet to a point in the middle line of Stenton Avenue a corner of said Krumbhaar's land, thence along said middle line of Stenton Avenue and said Krumbhaar's land South forty-four degrees fifty-three minutes one second East Three hundred and six and twenty-five hundredths feet to a point and South forty-eight degrees thirty-six minutes one second East Two hundred and fifty-three and thirty-five hundredths feet to the iron pin in the middle line of Flourtown Road the place of the beginning, Containing eight acres and four hundred and five ten-thousandths of an acre; and BEING Uniform Parcel Identifier Numbers: 650008059003 (7.455 acres to the west- and under- Stenton Avenue) and 650011140009 (0.98 acres to the east of Stenton Avenue).

TRACT 2: Beginning at a point in the line dividing the lands of George D. Widener and the Bloomfield Farm of John T. Morris Southwest of Stenton Avenue, thence extending along said dividing line South fifty-nine degrees four minutes fifty-nine seconds West Two hundred and seventy-five and ninety-four hundredths feet to a point near the East bank of the Wissahickon Creek a corner of said lands and of land of the Whitmarsh Valley Country Club, thence up said Creek along the line of said Club North seven degrees forty-eight minutes one second West One hundred feet to a point and North fifty-three degrees eighteen minutes one second West Forty-five feet to a point and thence along other land of said Widener North eighty-six degrees fifty minutes twenty-six seconds East two hundred and eighty-six and eight hundred and twenty-two thousandths feet to a place of the beginning, Containing three thousand eight hundred and sixty-three ten thousandths of an acre; and BEING Uniform Parcel Identifier Block/Unit Number 52-003-025 (0.3863 acres to the east of Stenton Avenue).

Being the same premises, which George D. Widener conveyed to the Commonwealth of Pennsylvania by deed dated November 15, 1920 and recorded in Book 822 Page 575 of the Montgomery County Recorder of Deed's office.

Containing 8.7910 acres more or less.

(c) Conveyance of lands to Commonwealth.--The Department of Conservation and Natural Resources, with the approval of the Governor, is hereby authorized on behalf of the Commonwealth of Pennsylvania to receive that certain tract of land situate in Upper Uwchlan Township, Chester County, in exchange for that property to be conveyed to Erdenheim Farm in accordance with subsection (a).

(d) Property description.--The property to be conveyed in accordance with subsection (c) consists of approximately 10.568 acres and improvements thereon:

ALL THAT CERTAIN parcel of land SITUATED in Upper Uwchlan Township, Chester County, Pennsylvania, being shown on ALTA/NSPS Land Title Survey prepared for Peter Ernst, dated November 23, 2020 by Register Associates, Inc., Kennett Square, Pennsylvania, and being more fully described as follows: BEGINNING at a re-rod (set) at the southeasterly comer in common of lands now or late of Havard A. & Mary E. McCurdy (a/k/a Tax Parcel no. 32-6-59) and lands now or late of Daniel L. and Kirsten E. McCurdy (a/k/a Tax Parcel no. 32-6-59.3) on the northwesterly existing right of way line of Dorlan Mill Road-T-583, said right of way line being parallel with 16.5 feet northwesterly from the centerline thereof; thence from the point of beginning, along said right of way line, South 41 degrees 38 minutes 03 seconds West 523.30 feet; thence leaving said right of way line, along lands now or late of John D. and Susan N. Green and lands now or late of James R. and Susan C. McDonough, passing over a re-rod (found) at a distance of 9.33 feet, North 78 degrees 40 minutes 10 seconds West 645.44 feet to a copperweld (found), a comer of lands now or late of the Commonwealth of Pennsylvania; thence along said lands of the Commonwealth of Pennsylvania, North 31 degrees 37 minutes 12 seconds East 665.97 feet to an iron pin (found), a comer of lands now or late of Keith E. and Lynne White; thence along said lands of White, lands now or late of Jonathan D. Rubin, and lands now or late of Michael J. and Sarah S. Kemeter, North 71 degrees 21 minutes 15 seconds East 438.20 feet to a re-rod (set), a comer of the aforesaid lands of Daniel L. and Kirsten E. Mccurdy; thence along said lands of McCurdy, the following two (2) courses and distances: (1) South 10 degrees 27 minutes 57 seconds East 369.94 feet to a re-rod (set); (2) South 62 degrees 01 minute 53 seconds East 168.67 feet to the point of beginning; and CONTAINING 10.568 acres of land, be the same, more or less; and BEING Uniform Parcel Identifier no. 32-6-59.

(e) Easements and encumbrances.--The conveyances described in this section shall be made concurrently and under and subject to all lawful and enforceable easements, servitudes and rights of others, including, but not confined to, streets, roadways and rights of any telephone, telegraph, water, electric, gas or pipeline companies, as well as under and subject to any lawful and enforceable estates or tenancies vested in third persons appearing of record, for any portion of the land or improvements erected thereon. The conveyance authorized under subsection (a) shall be made under and subject to the following:

(1) Erdenheim Farm shall provide an easement, in perpetuity and in favor of Montgomery County, for the construction, installation and maintenance of a public multipurpose trail contained within Parcel number 650008059003, part of TRACT 1, being conveyed under subsection (b).

(2) Erdenheim Farm shall execute a conservation easement in favor of Natural Lands Trust, Inc., on Parcel number 650008059003, part of TRACT 1, being conveyed under

subsection (b). This conservation easement shall allow for the public trail on this Parcel number 650008059003.

(f) Deeds.--The deeds for the conveyance of the properties referenced in subsections (a) and (c) shall be by special warranty deed.

(g) Costs and fees.--All costs and fees incidental to the conveyances contained in this section shall be borne by their respective parties.

Section 3. Effective date.

This act shall take effect immediately.