
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1308 Session of
2008

INTRODUCED BY McILHINNEY, MARCH 13, 2008

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES,
SEPTEMBER 22, 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; AND AUTHORIZING THE ←
4 DEPARTMENT OF GENERAL SERVICES, WITH THE APPROVAL OF THE
5 GOVERNOR, TO CONVEY A CERTAIN EASEMENT IN THE CITY OF
6 PHILADELPHIA.

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

9 Section 1. Solebury Township, Bucks County.

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

1 Page 949. The commission is further authorized on behalf of the
2 Commonwealth of Pennsylvania to grant and convey to Solebury
3 Township a portion of its Ingham Spring property, known as the
4 Judy Tract, situate in Solebury Township, Bucks County, and
5 acquired by the commission by deed recorded in Bucks County
6 Recorder of Deeds Office Book 577, Page 223.

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

11 TRACT NO. 1

12 Premises "A"

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

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

1 formerly of Andrew Jackson Beaumont, now or late of the Solebury
2 Deer Park Association; thence by the same land South 80 degrees
3 West 27.01 perches to a stake; thence still by the same land
4 South 75 degrees 50 minutes West 3.06 perches to a stump; and
5 thence still by the same land North 72 degrees 25 minutes West
6 19.64 perches to the place of BEGINNING.

7 CONTAINING 10 acres of land, more or less.

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

13 BEGINNING at a point in the center of Lower Mountain Road also
14 known as Spring Road being the southwestern most point and point
15 of beginning of the aforementioned parcel; thence continuing
16 along the centerline of the said road North 14 degrees 44
17 minutes 5 seconds East 120 feet to a point; thence South 75
18 degrees 15 minutes 55 seconds East 50 feet to a point; thence
19 South 15 degrees 55 minutes 30 seconds East 146.77 feet to a
20 point on the common line of lands now or formerly of Solebury
21 Deer Park; thence North 72 degrees 23 minutes 52 seconds West
22 125 feet to the point of BEGINNING.

23 CONTAINING 0.244 acres of land, more or less.

24 Premises "B"

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

28 BEGINNING at an iron pin in the middle of the New Hope and
29 Lahaska Turnpike Road a corner of land formerly of Henry C. Ward
30 and Charles G. Foster, now or late of Richard V. Mattison;

1 thence along the middle of said Turnpike North 71.5 degrees East
2 48.71 perches to an iron pin a corner of land now of late of
3 Thomas T. Pool; thence along said land at a right angle with the
4 middle of the said Turnpike South 18.5 degrees East 52.30
5 perches, (said line being 72 feet East or below the overflow in
6 the head race from said dam) to a stake in line of land
7 belonging now or late to Solebury Deer Park Association; thence
8 along said land South 80 degrees West 55.80 perches to a stake a
9 corner of land of said Henry C. Ward and Charles G. Foster;
10 thence along the same North 10 degrees 40 minutes West 45.17
11 perches to the place of BEGINNING.

12 CONTAINING 15 acres and 115 square perches of land, more or
13 less.

14 TRACT NO. 2

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

1 CONTAINING 22.51 acres of land, more or less.

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

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

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

1 DEED OR LEASE OR SUBLESSEES AND THEIR RESPECTIVE SUCCESSORS AND
2 ASSIGNS. SHOULD ANY PORTION OF ANY PARCEL AUTHORIZED FOR
3 CONVEYANCE UNDER THIS SECTION BE USED IN VIOLATION OF THIS
4 SUBSECTION, THE TITLE SHALL IMMEDIATELY REVERT TO AND REVEST IN
5 THE GRANTOR.

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

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

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

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

28 SECTION 2. CONVEYANCE IN THE CITY OF PHILADELPHIA. <—

29 (A) AUTHORIZATION.--THE DEPARTMENT OF GENERAL SERVICES, WITH
30 THE APPROVAL OF THE GOVERNOR, IS HEREBY AUTHORIZED ON BEHALF OF

1 THE COMMONWEALTH OF PENNSYLVANIA TO GRANT AND CONVEY TO THE CITY
2 OF PHILADELPHIA, OR ITS ASSIGNS, AN EASEMENT FOR SANITARY SEWER
3 PURPOSES, ACROSS LANDS OF THE COMMONWEALTH OF PENNSYLVANIA
4 SITUATE IN THE CITY OF PHILADELPHIA, COMMONWEALTH OF
5 PENNSYLVANIA, FOR ONE DOLLAR.

6 (B) DESCRIPTION OF EASEMENT.--THE EASEMENT TO BE CONVEYED
7 PURSUANT TO THIS SECTION IS MORE PARTICULARLY DESCRIBED AS
8 FOLLOWS:

9 ALL THAT CERTAIN RIGHT-OF-WAY OR EASEMENT OF LAND SITUATE IN THE
10 CITY OF PHILADELPHIA, AND COMMONWEALTH OF PENNSYLVANIA AS SHOWN
11 ON A PLAN ENTITLED "SANITARY RIGHT-OF-WAY PLAN", PREPARED BY
12 LANGAN ENGINEERING & ENVIRONMENTAL SERVICES, INC., DATED
13 10/10/07 AND BEING MORE FULLY BOUNDED AND DESCRIBED AS FOLLOWS:

14 BEGINNING AT THE POINT ON THE SOUTHERLY LINE OF LANDS NOW OR
15 FORMERLY OF THE COMMONWEALTH OF PENNSYLVANIA, SAID POINT BEING
16 MEASURED THE FOLLOWING 3 COURSES FROM THE INTERSECTION OF THE
17 NORTHEASTERLY RIGHT-OF-WAY LINE OF SOUTHAMPTON ROAD (60 FEET
18 WIDE) AND THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF CARTER ROAD;
19 THENCE,

20 A) ALONG THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF CARTER ROAD,
21 NORTH 41 DEGREES 04 MINUTES 22 SECONDS EAST, A DISTANCE OF
22 1403.310 FEET; THENCE,

23 B) STILL ALONG THE SAME, NORTH 46 DEGREES 06 MINUTES 32 SECONDS
24 EAST, A DISTANCE OF 928.552 FEET; THENCE,

25 C) LEAVING SAID LINE OF CARTER ROAD AND EXTENDING ALONG THE
26 LINE OF LANDS NOW OR FORMERLY OF THE COMMONWEALTH OF
27 PENNSYLVANIA, SOUTH 43 DEGREES 53 MINUTES 28 SECONDS EAST, A
28 DISTANCE OF 332.934 FEET TO THE POINT OF BEGINNING; THENCE,

29 1. NORTH 11 DEGREES 12 MINUTES 07 SECONDS EAST, A DISTANCE
30 OF 89.980 FEET TO A POINT; THENCE,

1 2. SOUTH 78 DEGREES 47 MINUTES 53 SECONDS EAST, A DISTANCE
2 OF 50.000 FEET TO A POINT; THENCE,
3 3. SOUTH 11 DEGREES 12 MINUTES 07 SECONDS WEST, A DISTANCE
4 OF 124.869 FEET TO A POINT; THENCE,
5 4. NORTH 43 DEGREES 53 MINUTES 28 SECONDS WEST A DISTANCE OF
6 60.970 FEET TO THE FIRST MENTIONED POINT AND PLACE OF BEGINNING.
7 ENCOMPASSING AN AREA OF 5,371 SQUARE FEET OR 0.123 ACRES OF
8 LAND, MORE OR LESS.

9 (C) CONDITIONS OF CONVEYANCE.--THE CONVEYANCE SHALL BE MADE
10 UNDER AND SUBJECT TO ALL LAWFUL AND ENFORCEABLE EASEMENTS,
11 SERVITUDES AND RIGHTS OF OTHERS, INCLUDING, BUT NOT LIMITED TO,
12 STREETS, ROADWAYS AND RIGHTS OF ANY TELEPHONE, TELEGRAPH, WATER,
13 ELECTRIC, GAS OR PIPELINE COMPANIES, AS WELL AS UNDER AND
14 SUBJECT TO ANY LAWFUL AND ENFORCEABLE ESTATES OR TENANCIES
15 VESTED IN THIRD PERSONS APPEARING OF RECORD, FOR ANY PORTION OF
16 THE LAND OR IMPROVEMENTS ERECTED THEREON.

17 (D) DEED OF EASEMENT.--THE DEED OF EASEMENT SHALL CONTAIN
18 SUCH TERMS AND CONDITIONS AS SHALL BE ACCEPTABLE TO THE
19 DEPARTMENT OF GENERAL SERVICES AND SHALL BE APPROVED AS PROVIDED
20 BY LAW AND SHALL BE EXECUTED BY THE SECRETARY OF GENERAL
21 SERVICES IN THE NAME OF THE COMMONWEALTH OF PENNSYLVANIA.

22 (E) COSTS AND FEES.--COSTS AND FEES INCIDENTAL TO THIS
23 CONVEYANCE SHALL BE BORNE BY THE GRANTEE AND PAID TO THE
24 DEPARTMENT OF GENERAL SERVICES.

25 Section ~~2~~ 3. Effective date.

26 This act shall take effect immediately.

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