

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

---

**HOUSE BILL****No. 109** Session of  
2009

---

INTRODUCED BY MANDERINO, BRIGGS, GERBER, BEYER, CALTAGIRONE,  
DALEY, KORTZ, KULA, MAHONEY, MURT, PHILLIPS, PAYNE, THOMAS,  
BENNINGHOFF AND D. COSTA, JANUARY 28, 2009

---

AS RE-REPORTED FROM COMMITTEE ON APPROPRIATIONS, HOUSE OF  
REPRESENTATIVES, AS AMENDED, MARCH 9, 2009

---

## AN ACT

1 Authorizing Lower Merion Township, Montgomery County, to sell  
2 and convey certain Project 70 lands free of restrictions  
3 imposed by the Project 70 Land Acquisition and Borrowing Act,  
4 in return for the imposition of Project 70 restrictions on  
5 other land to be acquired by the township.

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

8 Section 1. Authorization.

9 Pursuant to the requirements of section 20(b) of the act of  
10 June 22, 1964 (Sp.Sess., P.L.131, No.8), known as the Project 70  
11 Land Acquisition and Borrowing Act, the General Assembly  
12 authorizes the release of Project 70 restrictions on a portion  
13 of lands owned by Lower Merion Township, Montgomery County,  
14 which are more particularly described in section 3, for a  
15 consideration of \$180,000, which represents the fair market  
16 value of the property as determined by an appraisal, in return  
17 for imposition of Project 70 restrictions on other land to be  
18 conveyed and deeded to the township, as described in section 4.

1 Section 2. Freedom of restrictions.

2 The lands described in section 3 shall be free of  
3 restrictions on use and alienation imposed by the Project 70  
4 Land Acquisition and Borrowing Act upon conveyance of the lands  
5 by Lower Merion Township.

6 Section 3. Land to be released from restrictions.

7 The section of the land to be released from Project 70  
8 restrictions are situated in the Township of Lower Merion,  
9 Montgomery County, and more particularly described as follows:

10 All that certain lot or piece of ground with the buildings  
11 and improvements thereon erected, situate in Lower Merion  
12 Township, Montgomery County, Pennsylvania and described  
13 according to the final subdivision plan for Portions of 112 Mary  
14 Waters Ford Road, prepared for Lower Merion Township, by Pennoni  
15 Associates, Inc., dated November 27, 2006, last revised March  
16 19, 2008, as follows to wit:

17 Beginning at the point on the easterly side of Smith Drive  
18 (50 feet wide) which point is located the following four courses  
19 and distances from the intersection of the centerline of Mary  
20 Waters Ford Road with the easterly side of the above mentioned  
21 Smith Drive (50 feet wide) as follows: (1) extending along the  
22 easterly side of Smith Drive (50 feet wide) S 25°01'00" E, the  
23 distance of 100.98 feet to a point of curvature; thence (2)  
24 along the arc of a circle curving to the right having a radius  
25 of 710.58 feet the arc distance of 99.84 feet to a point of  
26 reverse curvature; thence (3) along the arc of a circle of  
27 reverse curvature curving the left with a radius of 710.58 feet  
28 the arc distance of 99.84 feet to a point on the easterly side  
29 of Smith Drive; thence (4) S 25°01'00" E, the distance of 88.33  
30 feet to the place of beginning; thence extending from said point

1 of beginning N 68°21'37" E the distance of 160.88 feet to a  
2 point; thence S 21°38'23" E the distance of 90.68 feet to a  
3 point; thence S 64°59'00" W the distance of 155.26 feet to the  
4 easterly side of the aforesaid Smith Drive; thence extending  
5 along the easterly side of said Smith Drive N 25°01'00" W the  
6 distance of 100.00 feet to the first mentioned point and place  
7 of beginning and containing these metes and bounds 15,057 square  
8 feet of land, more or less. Be the contents thereof what they  
9 may.

10 Section 4. Use of sale proceeds.

11 The consideration of \$180,000 from the sale of the land shall  
12 be deposited in a special account established by Lower Merion  
13 Township for acquisition of park land. Within two years of the  
14 effective date of this act, the township shall acquire park land  
15 of equal market value and equivalent usefulness to replace the  
16 land described in section 3. Use of funds from the special  
17 account must be approved by the Department of Conservation and  
18 Natural Resources. Any funds remaining in the special account  
19 after two years of the effective date of this act shall be paid  
20 to the Commonwealth for deposit into the Project 70 Land  
21 Acquisition Sinking Fund.


22 Section 5. Remedies.

23 If Lower Merion Township fails to comply with section 4, the  
24 Department of Conservation and Natural Resources may invoke the  
25 remedies provided for in section 20 of the act of June 22, 1964  
26 (Sp.Sess., P.L.131, No.8), known as the Project 70 Land  
27 Acquisition and Borrowing Act.


28 Section 6. Project 70 deed clause.

29 The following restrictions shall be included in the deed for  
30 the replacement land:

1 "This indenture is given to provide land for recreation,  
2 conservation and historical purposes, as said purposes are  
3 defined in the act of June 22, 1964 (Sp.Sess., P.L.131, No.8),  
4 known as the Project 70 Land Acquisition and Borrowing Act."

5 SECTION 7. COSTS AND FEES. 

6 COSTS AND FEES INCIDENTAL TO THIS CONVEYANCE SHALL BE BORNE  
7 BY THE GRANTEE.

8 Section 78. Effective date. 

9 This act shall take effect immediately.