

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1602 Session of
2013

INTRODUCED BY CORBIN, JUNE 29, 2013

REFERRED TO COMMITTEE ON STATE GOVERNMENT, JUNE 29, 2013

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
20 established by a self-contained appraisal report prepared

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

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

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

16 (3) The money in the interest-bearing account shall be
17 used by the Borough of Downingtown for the sole purpose of
18 improvements to Kardon Park in accordance with a development
19 plan, including:

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

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

25 (A) Trails.

26 (B) Pedestrian bridges.

27 (C) Parking.

28 (D) Docks and boating slips.

29 (E) Enhancements to the water quality and
30 quantity of the ponds and millrace. This clause

1 includes:

2 (I) introduction of fresh water and
3 foundations; and

4 (II) aeration devices.

5 (F) Wetlands plantings.

6 (G) Remediation of environmentally contaminated
7 soils.

8 (H) Landscaping.

9 (I) Measures to save existing mature trees.

10 (J) Lighting.

11 (K) Signage.

12 (L) Par courses.

13 (M) Fencing.

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

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

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

27 (1) The money, including interest, shall be used solely
28 to ensure the development of public park improvements within
29 Kardon Park constructed or caused to be constructed by the
30 Borough of Downingtown in accordance with the plan approved

1 by the department. The money shall be released for the
2 development of the Kardon Park following approval of the
3 development plan as set forth in subsection (a)(3).

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

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

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

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

27 Thencefrom the beginning of left curve from which the radius
28 point bears north 28°51'05" west, northeasterly and northerly
29 a distance of 443.47 feet along the curve concave to the
30 northwest, having a radius of 345.61 feet and a central angle

1 of 73°31'06";
2 Thence north 12°22'11" west tangent to said curve, a distance
3 of 67.97 feet;
4 Thence north 72°52'49" east, a distance of 604.99 feet;
5 Thence south 13°06'52" east, a distance of 762.14 feet;
6 Thence south 76°49'32" west, a distance of 405.48 feet;
7 Thence south 16°56'28" east, a distance of 171.56 feet;
8 Thence south 83°37'40" west, a distance of 474.54 feet;
9 Thence north 14°12'52" west, a distance of 130.69 feet;
10 Thence north 77°50'08" east, a distance of 17.50 feet;
11 Thence north 14°12'52" west, a distance of 309.33 feet to the
12 point of beginning.

13 Containing 14.177 acres, more or less.

14 (d) Lands subject to the deed restriction.--The lands which
15 are subject to the deed restriction as required by subsection

16 (a) (4) are as follows:

17 Parcel "A"

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

24 Beginning at an existing bolt (set) located in the center of
25 Pennsylvania Avenue, said point being the southeastern corner
26 of parcel 1104 0014020e in Downingtown Borough, Chester
27 County, Pennsylvania, and the true point of beginning;
28 Thence south 43°46'50" west, a distance of 500.70 feet;
29 Thence south 43°02'02" west, a distance of 5.40 feet;
30 Thence north 30°25'01" west, a distance of 136.79 feet;

1 Thence north $02^{\circ}57'50''$ east, a distance of 361.29 feet;
2 Thence south $87^{\circ}02'10''$ east, a distance of 123.32 feet;
3 Thence north $14^{\circ}36'16''$ east, a distance of 111.23 feet;
4 Thence north $01^{\circ}41'02''$ east, a distance of 237.40 feet;
5 Thence north $46^{\circ}12'15''$ west, a distance of 361.72 feet;
6 Thence north $01^{\circ}41'02''$ east, a distance of 129.44 feet;
7 Thence north $43^{\circ}18'58''$ west, a distance of 73.53 feet;
8 Thence north $01^{\circ}41'02''$ east, a distance of 83.92 feet;
9 Thence north $43^{\circ}18'58''$ west, a distance of 19.80 feet;
10 Thence north $88^{\circ}18'58''$ west, a distance of 39.21 feet;
11 Thence north $41^{\circ}40'09''$ west, a distance of 24.75 feet;
12 Thence north $88^{\circ}18'58''$ west, a distance of 136.35 feet to the
13 beginning of a curve concave to the southwest having a radius
14 of 367.00 feet and a central angle of $13^{\circ}35'22''$ and being
15 subtended by a chord which bears north $33^{\circ}05'05''$ west 86.84
16 feet;
17 Thence northwesterly along said curve, a distance of 87.04
18 feet; Thence north $39^{\circ}52'46''$ west tangent to said curve, a
19 distance of 277.81 feet to the beginning of a curve tangent
20 to said line;
21 Thence northwesterly a distance of 34.60 feet along the curve
22 concave to the southwest, having a radius of 187.00 feet and
23 a central angle of $10^{\circ}36'07''$;
24 Thence north $50^{\circ}28'53''$ west tangent to said curve, a distance
25 of 55.38 feet to the beginning of a curve concave to the west
26 having a radius of 345.61 feet and a central angle of
27 $45^{\circ}44'34''$ and being subtended by a chord which bears north
28 $10^{\circ}30'06''$ east 268.65 feet;
29 Thence northeasterly and northerly along said curve, a
30 distance of 275.92 feet;

1 Thence north $12^{\circ}22'11''$ west tangent to said curve, a distance
2 of 67.97 feet;
3 Thence north $72^{\circ}52'49''$ east, a distance of 604.99 feet;
4 Thence south $13^{\circ}06'52''$ east, a distance of 762.14 feet;
5 Thence south $13^{\circ}06'28''$ east, a distance of 1148.90 feet to
6 the point of beginning.

7 Containing 19.107 acres.

8 Parcel "B"

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

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

19 Thence from the beginning of left curve from which the radius
20 point bears north $28^{\circ}51'05''$ west, northeasterly a distance of
21 97.93 feet along the curve concave to the northwest, having a
22 radius of 345.61 feet and a central angle of $16^{\circ}14'03''$;

23 Thence south $50^{\circ}28'53''$ east, a distance of 54.93 feet to the
24 beginning of a curve tangent to said line;

25 Thence southeasterly a distance of 21.74 feet along the curve
26 concave to the southwest, having a radius of 117.50 feet and
27 a central angle of $10^{\circ}36'07''$;

28 Thence south $39^{\circ}52'46''$ east tangent to said curve, a distance
29 of 178.08 feet;

30 Thence south $50^{\circ}07'15''$ west, a distance of 190.53 feet;

1 Thence south 75°47'08" west, a distance of 39.06 feet;
2 Thence north 14°12'52" west, a distance of 268.18 feet to the
3 point of beginning.

4 Containing .990 acres.

5 Total restricted park property contains 20.097 acres, more or
6 less.

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

10 Section 2. Repeal.

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

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

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

11 Section 3. This act shall take effect immediately.