

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1009 Session of 2017

INTRODUCED BY WALSH, J. HARRIS, DUNBAR, REESE, OBERLANDER, METZGAR, WARNER, JAMES, MILLARD, SANKEY, GABLER, WARD, IRVIN, NELSON AND MICCARELLI, MARCH 28, 2017

SENATOR FOLMER, STATE GOVERNMENT, IN SENATE, AS AMENDED, NOVEMBER 13, 2017

AN ACT

1 Authorizing the release of Project 70 restrictions on certain
2 land owned by the Borough of West Newton, Westmoreland
3 County, in return for the development of park and open space
4 lands within the Borough of West Newton, Westmoreland
5 County-; AND AUTHORIZING THE RELEASE OF PROJECT 70
6 RESTRICTIONS ON CERTAIN LANDS OWNED BY UPPER UWCHLAN
7 TOWNSHIP, CHESTER COUNTY, IN EXCHANGE FOR THE PROVISION OF
8 MONEY FOR THE PURCHASE AND INSTALLATION OF RECREATIONAL
9 EQUIPMENT AND THE IMPLEMENTATION OF A MULTIUSE TRAIL.

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

12 Section 1. Release of restrictions in the Borough of West
13 Newton, Westmoreland County.

14 (a) Authorization.--Pursuant to the requirements of section
15 20(b) of the act of June 22, 1964 (Sp.Sess., P.L.131, No.8),
16 known as the Project 70 Land Acquisition and Borrowing Act, the
17 General Assembly hereby authorizes the release of Project 70
18 restrictions from the land owned by the Borough of West Newton,
19 Westmoreland County, which is more particularly described in
20 subsection (c), in exchange for the development of park and open

1 space lands as provided in subsection (d).

2 (b) Land to be released from Project 70 restrictions.--The  
3 Borough of West Newton intends to sell a portion of the land it  
4 owns and wishes to release the land described in subsection (c)  
5 from Project 70 restrictions.

6 (c) Description of premises to be conveyed.--The land to be  
7 conveyed shall be ALL THAT CERTAIN parcel of land lying and  
8 situate between South Water Street and the Youghiogheny River in  
9 the Borough of West Newton, Westmoreland County, Pennsylvania,  
10 being more fully described as follows, to wit:

11 FIRST:

12 BEGINNING at a point on the West side of South Water Street and  
13 a post corner on land now or formerly of Nannie C. Montgomery;

14 Thence along said South Water Street, South 35°45' West, a  
15 distance of 71.50 feet to a point at the South end of a two-  
16 story brick dwelling;

17 Thence on a line along the South end of said brick dwelling to a  
18 point on the bank of the Youghiogheny River;

19 Thence North 25°45' East along the Youghiogheny River, a  
20 distance of 72.51 feet to a point on the bank of the  
21 Youghiogheny River and land now or formerly of Nannie C.  
22 Montgomery;

23 Thence in an Eastwardly direction along the line of land now or  
24 formerly of Nannie C. Montgomery, a distance of 122 feet, more  
25 or less, to the post corner on the West side of South Water  
26 Street, being the place of beginning.

27 SECOND:

28 BEGINNING at a point on the West side of South Water Street at  
29 corner of lot of ground now or formerly of Mabel R. Duncan;

30 Thence along the West side of South Water Street, South 35°45'

1 West, a distance of 210.50 feet to a point at the corner of land  
2 now or formerly of the C.S. Weimer estate;  
3 Thence by said land now or formerly of said estate, North 54°15'  
4 West, a distance of 47 feet to a point on the bank of the  
5 Youghiogheny River;  
6 Thence along said river, North 11°06' East, a distance of 93.5  
7 feet to a point;  
8 Thence still along said river, North 28°45' East, a distance of  
9 126.46 feet to a point on said river bank at the corner of land  
10 now or formerly of Mabel R. Duncan;  
11 Thence in an Eastwardly direction along the line of land now or  
12 formerly of Mabel R. Duncan to a point on the North side of  
13 South Water Street, being the place of beginning.

14 Being the same premises known as the John C. Plumer House, which  
15 the Historical Society of West Newton, by deed dated February  
16 23, 1968 and recorded in Westmoreland County Deed Book Volume  
17 1979, page 1147, granted and conveyed unto the Borough of West  
18 Newton.

19 (d) Use of sale proceeds and interest.--An amount equal to  
20 or greater than the fair market value of the land described in  
21 subsection (c) shall be deposited into a special interest-  
22 bearing account established by the Borough of West Newton for  
23 the development of park and open space lands in the Borough of  
24 West Newton. None of the funds shall be disbursed from this  
25 special account until a plan is developed by the Borough of West  
26 Newton for the intended use of the funds and until such plan has  
27 been approved by the Department of Conservation and Natural  
28 Resources. Any funds remaining in the special account five years  
29 after the date of deposit shall immediately be paid to the  
30 Commonwealth for deposit into the Project 70 Land Acquisition

1 Sinking Fund or current equivalent.

2 SECTION 2. RESTRICTIONS IN UPPER UWCHLAN TOWNSHIP, CHESTER  
3 COUNTY.

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4 (A) AUTHORIZATION.--UNDER THE REQUIREMENTS OF SECTION 20(B)  
5 OF THE ACT OF JUNE 22, 1964 (SP.SESS., P.L.131, NO.8), KNOWN AS  
6 THE PROJECT 70 LAND ACQUISITION AND BORROWING ACT, THE GENERAL  
7 ASSEMBLY HEREBY AUTHORIZES THE RELEASE OF PROJECT 70  
8 RESTRICTIONS ON LAND OWNED BY UPPER UWCHLAN TOWNSHIP, CHESTER  
9 COUNTY, DESCRIBED IN SUBSECTION (B), IN EXCHANGE FOR THE  
10 PROVISION OF MONEY FOR THE PURCHASE AND INSTALLATION OF  
11 RECREATIONAL EQUIPMENT AND THE IMPLEMENTATION OF A MULTIUSE  
12 TRAIL AS PROVIDED UNDER SUBSECTION (C).

13 (B) LAND TO BE RELEASED FROM PROJECT 70 RESTRICTIONS.--THE  
14 LAND TO BE RELEASED FROM PROJECT 70 RESTRICTIONS IS AS FOLLOWS:

15 ALL THAT CERTAIN TRACT OR PARCEL OF LAND LOCATED SOUTH OF THE  
16 PENNSYLVANIA TURNPIKE (200-FOOT RIGHT-OF-WAY) AND EAST OF PARK  
17 ROAD (50-FOOT RIGHT-OF-WAY), SITUATE IN THE TOWNSHIP OF UPPER  
18 UWCHLAN, COUNTY OF CHESTER, COMMONWEALTH OF PENNSYLVANIA, BEING  
19 A PORTION OF THE LANDS OF SUPERVISORS OF UPPER UWCHLAN TOWNSHIP  
20 TO BE CONVEYED TO THE PENNSYLVANIA TURNPIKE, AS SHOWN ON AND  
21 DESCRIBED IN ACCORDANCE WITH THE PENNSYLVANIA TURNPIKE  
22 COMMISSION PLAN NO. R/W 6025-RA, PREPARED BY TRAFFIC PLANNING  
23 AND DESIGN., INC., DATED OCTOBER 13, 2017, AS FOLLOWS:

24 BEGINNING AT A POINT AT THE INTERSECTION OF THE EASTERLY  
25 LEGAL RIGHT-OF-WAY LINE FOR TOWNSHIP ROAD T-523 (PARK ROAD) AND  
26 THE SOUTHERLY LEGAL RIGHT-OF-WAY LINE FOR LIMITED ACCESS OF THE  
27 GRANTEE, SAID POINT BEING LOCATED 8 FEET LEFT OF AND OPPOSITE T-  
28 523 CONSTRUCTION BASELINE STATION 14+45±;

29 THENCE ALONG THE SOUTHERLY LEGAL RIGHT-OF-WAY LINE FOR  
30 LIMITED ACCESS OF THE GRANTEE, 49.18 FEET ALONG AN ARC OF A

1 CURVE TO THE LEFT HAVING A RADIUS OF 5829.65 FEET, THE CHORD OF  
2 WHICH HAS A BEARING OF SOUTH 61°03'35" EAST AND A LENGTH OF  
3 49.18 FEET TO A POINT, SAID POINT BEING LOCATED 35 FEET MORE OR  
4 LESS RIGHT OF AND OPPOSITE T-523 CONSTRUCTION BASELINE AT  
5 STATION 14+70±;

6 THENCE THROUGH LANDS OF THE GRANTOR THE FOLLOWING SEVEN (7)  
7 COURSES,

8 (1) SOUTH 85°44'20" WEST A DISTANCE OF 22.21 FEET TO A POINT  
9 BEING LOCATED 25 FEET RIGHT OF AND OPPOSITE T-523  
10 CONSTRUCTION BASELINE AT STATION 14+50,

11 (2) SOUTH 61°36'48" WEST A DISTANCE OF 102.05 FEET TO A  
12 POINT BEING LOCATED 25 FEET RIGHT OF AND OPPOSITE T-523  
13 CONSTRUCTION BASELINE AT STATION 13+50,

14 (3) SOUTH 65°54'38" WEST A DISTANCE OF 81.65 FEET TO A POINT  
15 BEING LOCATED 25 FEET RIGHT OF AND OPPOSITE T-523  
16 CONSTRUCTION BASELINE AT STATION 12+70,

17 (4) SOUTH 22°10'47" EAST A DISTANCE OF 15.00 FEET TO A POINT  
18 BEING LOCATED 40 FEET RIGHT OF AND OPPOSITE T-523  
19 CONSTRUCTION BASELINE AT STATION 12+70,

20 (5) SOUTH 68°30'46" WEST A DISTANCE OF 29.97 FEET TO A POINT  
21 BEING LOCATED 40 FEET RIGHT OF AND OPPOSITE T-523  
22 CONSTRUCTION BASELINE AT STATION 12+41,

23 (6) SOUTH 69°12'19" WEST A DISTANCE OF 241.00 FEET TO A  
24 POINT BEING LOCATED 40 FEET RIGHT OF AND OPPOSITE T-523  
25 CONSTRUCTION BASELINE AT STATION 10+00, AND

26 (7) NORTH 20°47'41" WEST A DISTANCE OF 18.34 FEET TO A POINT  
27 BEING LOCATED 22 FEET MORE OR LESS RIGHT OF AND OPPOSITE  
28 T-523 CONSTRUCTION BASELINE AT STATION 10+00,

29 THENCE ALONG THE EASTERLY LEGAL RIGHT-OF-WAY LINE FOR  
30 TOWNSHIP ROAD T-428 THE FOLLOWING THREE (3) COURSES,

1 (1) NORTH 68°55'50" EAST A DISTANCE OF 60.69 FEET TO A POINT  
2 BEING LOCATED 21 FEET MORE OR LESS RIGHT OF AND OPPOSITE  
3 T-523 CONSTRUCTION BASELINE AT STATION 10+61±,  
4 (2) 261.80 FEET ALONG AN ARC OF A CURVE TO THE RIGHT HAVING  
5 A RADIUS OF 1500.00 FEET, THE CHORD OF WHICH HAS A  
6 BEARING OF NORTH 63°55'50" WEST AND A LENGTH OF 261.47  
7 FEET TO A POINT, SAID POINT BEING LOCATED 0 FEET MORE OR  
8 LESS RIGHT OF AND OPPOSITE T-523 CONSTRUCTION BASELINE  
9 STATION 13+21±, AND  
10 (3) NORTH 58°55'50" EAST A DISTANCE OF 123.72 FEET TO THE  
11 POINT OF BEGINNING.

12 CONTAINING 0.259 ACRE. INCLUDES 0.025 ACRE OF R/W RESERVED BY  
13 COLUMBIA GAS CORP.

14 SUBJECT TO ALL COVENANTS AND AGREEMENTS OF RECORD.

15 A PORTION OF CHESTER COUNTY TAX MAP PARCEL 32-3-80-E, 32-3-77.5-  
16 E, AND 32-3-77.10-E.

17 (C) DUTIES.--THE PENNSYLVANIA TURNPIKE COMMISSION SHALL DO  
18 ALL OF THE FOLLOWING:

19 (1) PROVIDE MONEY TO UPPER UWCHLAN TOWNSHIP, CHESTER  
20 COUNTY, FOR THE PURCHASE AND INSTALLATION OF RECREATIONAL  
21 EQUIPMENT TO BE USED AT A PARK LOCATED ON THE LAND DESCRIBED  
22 UNDER SUBSECTION (B).

23 (2) IMPLEMENT A MULTIUSE TRAIL ON A BRIDGE WHICH WILL  
24 PERMIT PEDESTRIAN ACCESS TO A PARK LOCATED ON THE LAND  
25 DESCRIBED UNDER SUBSECTION (B).

26 Section 2 3. Effective date.

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27 This act shall take effect immediately.