

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2489 Session of 2018

INTRODUCED BY MACKENZIE, JUNE 14, 2018

REFERRED TO COMMITTEE ON STATE GOVERNMENT, JUNE 14, 2018

AN ACT

1 Authorizing the release of Project 70 restrictions on certain
 2 lands owned by the Borough of Topton, Berks County, in
 3 exchange for the imposition of Project 70 restrictions on
 4 other lands to be acquired by the Borough of Topton, Berks
 5 County.

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

8 Section 1. Restrictions in the Borough of Topton, Berks County.

9 (a) Authorization.--Under the requirements of section 20(b)
 10 of the act of June 22, 1964 (Sp.Sess., P.L.131, No.8), known as
 11 the Project 70 Land Acquisition and Borrowing Act, the General
 12 Assembly hereby authorizes the release of Project 70
 13 restrictions on land owned by the Borough of Topton, Berks
 14 County, described in subsection (b), in return for the
 15 imposition of Project 70 restrictions on land described in
 16 subsection (c).

17 (b) Land to be released from Project 70 restrictions.--The
 18 land to be released from Project 70 restrictions is as follows:
 19 ALL THAT CERTAIN tract or parcel of land located north of West
 20 Weiss Street (54-foot right-of-way) between South Cherry Street

1 (54-foot right-of-way) and South Callowhill Street (54-foot
2 right-of-way), situate in the Borough of Topton, County of
3 Berks, Commonwealth of Pennsylvania, being a portion of the
4 lands of the Borough of Topton to be conveyed to Robert S. and
5 Louise E. Blanchard, as shown on and described in accordance
6 with Lot Conveyance Exhibit, Lands of the Borough of Topton to
7 be Conveyed to Robert S. & Louise E. Blanchard (EX-1), prepared
8 by Barry Isett and Associates, Inc., dated January 12, 2017, as
9 follows:

10 COMMENCING at the intersection of the northerly right-of-way
11 line of said West Weiss Street and the westerly right-of-way
12 line of said Cherry Street; thence along said westerly right-of-
13 way line of Cherry Street, as shown on the aforesaid Lot
14 Conveyance Exhibit, Lands of the Borough of Topton to be
15 Conveyed to Robert S. & Louise E. Blanchard (EX-1), passing
16 partially in an through Evergreen Drive (18-foot right-of-way),
17 North 16 degrees 30 minutes 36 seconds West, 342.36 feet to a 1"
18 pipe found at the common corner of lands of Paul Carl and Nina
19 Beck and lands of Ronald C. and Wilma M. Herman; thence along
20 the common line of said lands of Paul Carl and Nina Beck and
21 lands of Ronald C. and Wilma M. Herman, South 73 degrees 29
22 minutes 10 seconds West, 168.72 feet to a 1" rod leaning to the
23 east found at the TRUE POINT OF BEGINNING of the herein
24 described; thence along said land of Paul Carl and Nina Beck,
25 South 25 degrees 42 minutes 18 seconds West, 17.01 feet to a 2"
26 pipe found; thence along the lands of Robert S. and Louise E.
27 Blanchard, grantees herein, South 26 degrees 05 minutes 28
28 seconds West, 150.58 feet; thence through the lands of the
29 Borough of Topton, grantors herein, the following four (4)
30 courses and distances;

1 (1) North 12 degrees 46 minutes 36 seconds East, 58.37 feet;
2 (2) North 22 degrees 45 minutes 09 seconds East, 31.60 feet;
3 (3) North 26 degrees 21 minutes 05 seconds East, 65.57 feet;
4 (4) North 73 degrees 29 minutes 10 seconds East, 20.20 feet to
5 the TRUE POINT OF BEGINNING.

6 CONTAINING: 1,930 square feet.

7 Subject to all covenants and agreements of record.

8 BEING a portion of the same premises which John J. Leibensperger
9 and Vertie Mae Leibensberger, his wife, by deed dated December
10 14, 1949, and recorded in the Office of the Recorder of Deeds in
11 and for the County of Berks, PA., in Deed Book Volume 1052 Page
12 246, did grant and convey unto the Borough of Topton, a
13 Municipal Corporation of the State of Pennsylvania.

14 A portion of Berks County Tax PIN 546320910811.

15 (c) Land subject to the imposition of Project 70
16 restrictions.--The land to be acquired by the Borough of Topton,
17 Berks County, on which Project 70 restrictions are to be
18 imposed, is as follows:

19 ALL THAT CERTAIN tract or parcel of land located north of West
20 Weiss Street (54-foot right-of-way) between South Cherry Street
21 (54-foot right-of-way) and South Callowhill Street (54-foot
22 right-of-way), situate in the Borough of Topton, County of
23 Berks, Commonwealth of Pennsylvania, being a portion of the
24 lands of Robert S. and Louise E. Blanchard to be conveyed to the
25 Borough of Topton, as shown on and described in accordance with
26 Lot Conveyance Exhibit, Lands of Robert S. & Louise E. Blanchard
27 to be Conveyed to the Borough of Topton (EX-2), prepared by
28 Barry Isett and Associates, Inc., dated January 12, 2017, as
29 follows:

30 COMMENCING at the intersection of the westerly right-of-way line

1 of said South Cherry Street and northerly right-of-way line of
2 said West Weiss Street; thence along said northerly right-of-way
3 line of West Weiss Street, as shown on the aforesaid Lot
4 Conveyance Exhibit, Lands of Robert S. & Louise E. Blanchard to
5 be Conveyed to the Borough of Tipton (EX-2), South 73 degrees 35
6 minutes 22 seconds West, 374.16 feet to the TRUE POINT OF
7 BEGINNING of the herein described; thence along said northerly
8 right-of-way line of said West Weiss Street, South 73 degrees 35
9 minutes 22 seconds West, 40.98 feet; thence along the lands of
10 the Borough of Tipton, grantees herein, the following two (2)
11 courses and distances;

12 (1) North 16 degrees 20 minutes 38 seconds West, 73.72 feet;

13 (2) North 26 degrees 05 minutes 28 seconds East, passing along
14 the western terminus of Evergreen Drive (18-foot right-of-way)
15 at a distance of 133.18 feet, for a total of 196.26 feet; thence
16 through the aforesaid lands of Robert S. and Louise E.

17 Blanchard, grantors herein, the following five (5) courses and
18 distances;

19 (1) South 12 degrees 46 minutes 36 seconds West, passing
20 through said Evergreen Drive at a distance of 32.58 feet, for a
21 total distance of 100.61 feet;

22 (2) South 35 degrees 04 minutes 47 seconds West, 30.00 feet;

23 (3) South 1 degree 32 minutes 33 seconds West, 32.93 feet;

24 (4) South 21 degrees 22 minutes 03 seconds East, 30.00 feet;

25 (5) South 3 degrees 30 minutes 41 seconds East, 52.00 feet to
26 the TRUE POINT OF BEGINNING.

27 CONTAINING: 6,863 square feet.

28 Subject to all covenants and agreements of record.

29 BEING a portion of the same premises which Wayne M. Eltz and
30 Ruth Eltz, his wife, by deed dated July 28, 1970, and recorded

1 in the Office of the Recorder of Deeds in and for the County of
2 Berks, PA., in Deed Book Volume 1570 Page 754, did grant and
3 convey unto Robert S. Blanchard and Louise E. Blanchard, husband
4 and wife.

5 A portion of Berks County Tax PIN 546320912577.

6 (d) Deed restriction.--The deed of conveyance for the land
7 described in subsection (c) shall contain the following clause:

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

13 Section 2. Effective date.

14 This act shall take effect immediately.