

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 18 Session of 2019

INTRODUCED BY MACKENZIE, JAMES, JOZWIAK, KAUFFMAN, MILLARD, RYAN AND CALTAGIRONE, JANUARY 28, 2019

REFERRED TO COMMITTEE ON STATE GOVERNMENT, JANUARY 28, 2019

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

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

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

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

7 CONTAINING: 1,930 square feet.

8 Subject to all covenants and agreements of record.

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

15 A portion of Berks County Tax PIN 546320910811.

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

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

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

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

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

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

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

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

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

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

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

28 CONTAINING: 6,863 square feet.

29 Subject to all covenants and agreements of record.

30 BEING a portion of the same premises which Wayne M. Eltz and

1 Ruth Eltz, his wife, by deed dated July 28, 1970, and recorded  
2 in the Office of the Recorder of Deeds in and for the County of  
3 Berks, PA., in Deed Book Volume 1570 Page 754, did grant and  
4 convey unto Robert S. Blanchard and Louise E. Blanchard, husband  
5 and wife.

6 A portion of Berks County Tax PIN 546320912577.

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

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

14 Section 2. Effective date.

15 This act shall take effect immediately.