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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1845 Session of  
2023

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INTRODUCED BY WHITE AND JOZWIAK, NOVEMBER 30, 2023

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REFERRED TO COMMITTEE ON STATE GOVERNMENT, NOVEMBER 30, 2023

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AN ACT

1 Authorizing the Department of Conservation and Natural  
2 Resources, with the approval of the Governor, to grant and  
3 convey to the City of Philadelphia a right-of-way easement  
4 situate in the City of Philadelphia, Philadelphia County, in  
5 exchange for improvements to Benjamin Rush State Park and  
6 monetary consideration to the Commonwealth to be used toward  
7 the acquisition and conveyance of a tract of land to be added  
8 to French Creek State Park.

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

11 Section 1. Conveyance in the City of Philadelphia.

12 (a) Authorization.--The Department of Conservation and  
13 Natural Resources, with the approval of the Governor, is  
14 authorized on behalf of the Commonwealth of Pennsylvania to  
15 grant and convey to the City of Philadelphia a right-of-way  
16 easement situate in the City of Philadelphia, Philadelphia  
17 County, in exchange for improvements to Benjamin Rush State Park  
18 and monetary consideration to the Commonwealth to be used toward  
19 the acquisition of a tract of land to be added to French Creek  
20 State Park in accordance with subsection (c).

21 (b) Property description.--The property interest to be

1 conveyed in accordance with subsection (a) consists of a right-  
2 of-way easement totaling approximately 0.32869 acres and  
3 improvements thereon, bounded and more particularly described as  
4 follows:

5 ALL THAT CERTAIN piece of ground, situate in the 66th Ward of  
6 the City of Philadelphia and described in accordance with a  
7 survey plan by Pennoni Associates Inc., entitled "Proposed Right  
8 of Way Plan", drawing number V-0601, project number BRRTX20015,  
9 dated 05/16/2022, and being more particularly described as  
10 follows:

11 BEGINNING at a point on the Northeasterly side of  
12 Southampton-Byberry Road (70 feet wide, Legally Open, On City  
13 Plan number 385), said point being measured North 02 degrees 15  
14 minutes 31 seconds West, the distance of 934.38 feet from a  
15 point of curve, said curve having a radius of 25.000 feet and an  
16 arc distance of 38.495 feet, which connects the Northeasterly  
17 side of Southampton-Byberry Road and with the Northwesterly side  
18 of McNulty Road (70 feet wide, Legally Open, On City Plan number  
19 385); thence extending from said beginning point, along the  
20 Northeasterly side of Southampton-Byberry Road, North 02 degrees  
21 15 minutes 31 seconds 150.000 feet to a point; thence along a  
22 curve to the left, radius 734.407 feet, an arc distance of  
23 464.950 feet, a chord bearing of North 20 degrees 26 minutes 36  
24 seconds West, and a chord distance of 457.223 feet to a point;  
25 thence along a curve to the right, radius of 25.029 feet, an arc  
26 distance of 37.900 feet, a chord bearing of North 04 degrees 47  
27 minutes 40 seconds East, and a chord distance of 34.378 feet to  
28 a point; thence South 48 degrees 05 minutes 49 seconds West, a  
29 distance of 25.047 feet, to a point; thence along a curve to the  
30 left, radius of 25.554, an arc distance of 39.060 feet, a chord

1 bearing of South 03 degrees 10 minutes 36 seconds West, and a  
2 chord distance of 35.370 feet to a point; thence along a curve  
3 to the right, radius 760.000 feet, an arc distance of 480.840  
4 feet, a chord bearing of South 20 degrees 26 minutes 23 seconds  
5 East, and a chord distance of 472.857 feet to a point; thence  
6 South 07 degrees 12 minutes, 20 seconds West, 152.095 feet to  
7 the first mentioned point of beginning.

8 Easement contains 14,318 square feet or 0.32869 acres.

9 Being a portion of the lands, now and formerly of the  
10 Commonwealth of Pennsylvania, OPA number 88-4291485, and listed  
11 as Map number 150-N-08.

12 (c) Authorization to receive property.--The Department of  
13 Conservation and Natural Resources, with the approval of the  
14 Governor, is authorized on behalf of the Commonwealth of  
15 Pennsylvania to receive that certain tract of land situate in  
16 Union Township, Berks County, in exchange for that property  
17 interest to be conveyed to the City of Philadelphia in  
18 accordance with subsection (a).

19 (d) Monetary consideration and improvements.--The City of  
20 Philadelphia, through funding and assistance provided by  
21 Brandywine Byberry, LP, its successors or assigns, shall  
22 contribute \$203,500 toward the acquisition and conveyance of  
23 property to the Commonwealth, acting by and through the  
24 Department of Conservation and Natural Resources. The property  
25 to be conveyed in accordance with subsection (c) consists of  
26 approximately 12.016 acres and improvements thereon described as  
27 follows:

28 ALL THAT CERTAIN parcel of land SITUATE in Union Township,  
29 Berks County, Pennsylvania, being shown on Boundary Plan  
30 prepared for Natural Lands Trust, Inc., dated April 7, 2022 by

1 Regester Associates, Inc., Kennett Square, Pennsylvania, and  
2 being more fully described as follows:

3 BEGINNING at the southerly corner in common of lands now or  
4 late of Daniel A. and Karen L. Stauffer (a/k/a Tax Parcel no.  
5 88-5343-00-43-1337) and lands now or late of the Commonwealth of  
6 Pennsylvania Parks Department (a/k/a Tax Parcel no. 88-5352-00-  
7 57-9606) in the bed of Geigertown Road; thence from the point of  
8 beginning, along said lands of the Commonwealth of Pennsylvania  
9 Parks Department, the following three (3) courses and distances:  
10 (1) leaving the bed of said road, passing over a rebar (found)  
11 at a distance of 18.41 feet, North 70 degrees 00 minutes 21  
12 seconds West 594.00 feet to a rebar (found); (2) North 33  
13 degrees 44 minutes 39 seconds East 404.26 feet to a capped rebar  
14 (found); (3) also along lands now or late of Thomas M. and  
15 Christine L. Gatz, North 65 degrees 30 minutes 21 seconds West  
16 1,124.15 feet to a point on line of the aforesaid lands of the  
17 Commonwealth of Pennsylvania Parks Department; thence along said  
18 lands of the Commonwealth of Pennsylvania Parks Department,  
19 North 07 degrees 10 minutes 46 seconds East 182.02 feet to a  
20 capped rebar (set), a corner of lands now or late of William J.,  
21 Jr. and Felicia A. O'Neil; thence along said lands of O'Neil and  
22 along the aforesaid lands of the Commonwealth of Pennsylvania  
23 Parks Department, South 65 degrees 30 minutes 21 seconds East  
24 1,783.87 feet to a capped rebar (set); thence continuing along  
25 said lands of the Commonwealth of Pennsylvania Parks Department,  
26 the following two (2) courses and distances: (1) South 30  
27 degrees 59 minutes 39 seconds West 174.90 feet to a capped rebar  
28 (found); (2) passing over a rebar (found) 112.22 feet from the  
29 southwesterly terminus of this course, South 33 degrees 55  
30 minutes 46 seconds West 357.22 feet to the point of beginning;

1 and ENCOMPASSING 12.016 acres of land, be the same, more or  
2 less.

3 (e) Easements and encumbrances.--The conveyances described  
4 in this section shall be made concurrently and under and subject  
5 to all lawful and enforceable easements, servitudes and rights  
6 of others, including, but not confined to, streets, roadways and  
7 rights of any telephone, telegraph, water, electric, gas or  
8 pipeline companies, as well as under and subject to any lawful  
9 and enforceable estates or tenancies vested in third persons  
10 appearing of record, for any portion of the land or improvements  
11 erected thereon.

12 (f) Deed.--The deed to the Commonwealth, for the conveyance  
13 of the property as described in subsection (d), shall be by  
14 special warranty deed.

15 (g) Costs and fees.--All costs and fees incidental to the  
16 conveyances contained in this section shall be borne by their  
17 respective parties.

18 Section 2. Effective date.

19 This act shall take effect immediately.