

## No. 2016-66

## AN ACT

## HB 2003

Authorizing the Department of General Services, with the approval of the Pennsylvania Historical and Museum Commission and the Governor, to grant and convey to the Southern Lancaster County Historical Society certain lands situate in Fulton Township, Lancaster County; and authorizing the Department of General Services, with the approval of the Governor, to grant and convey a certain tract of land and improvements thereon in Lower Oxford Township, Chester County.

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

Section 1. Conveyance in Fulton Township, Lancaster County.

(a) Authorization.—The Department of General Services, with the approval of the Pennsylvania Historical and Museum Commission and the Governor, is hereby authorized on behalf of the Commonwealth to grant and convey to the Southern Lancaster County Historical Society certain lands and any improvements thereon described under subsection (b), the property being known locally as the historic Robert Fulton Birthplace, situate in Fulton Township, Lancaster County, for \$1.

(b) Property description.—The property to be conveyed under subsection (a) consists of 60.357 acres and any improvements located thereon, more particularly described as follows:

ALL THAT CERTAIN parcel of land comprised of various tracts of land better known as the Robert Fulton Birthplace property, situated in the Township of Fulton, Lancaster County, Pennsylvania as depicted on a plat titled Robert Fulton Birthplace Boundary Survey, Commonwealth of Pennsylvania, prepared by Brehm-Lebo Engineering, Inc., Carlisle, Pennsylvania, dated June 24, 2015 bounded and described as follows:

BEGINNING at a set mag nail in the Robert Fulton Highway (SR-0222) at the lands of Daniel L. and Fannie K. Miller and at the southeast corner of lands of the Solanco School District, thence along the lands of Miller and running in SR-0222 South 22° 49' 11" West 129.04' to a set mag nail; thence continuing along the same and leaving SR-0222 South 10° 24' 00" East 51.59' to an existing iron pin; thence along the same North 73° 07' 50" East 35.68' to an iron pin set; thence along the same South 16° 43' 10" East 244.91' to an iron pin set; thence along the same South 64° 34' 12" West 64.62' to an iron pin set; thence along the same South 10° 24' 00" East 323.46' to an iron pin set; thence along the same and the lands of George H. and Veronica E. Snyder and the lands of James N. and Sandra L. Sensenig South 41° 52' 28" East 1600.70' to an existing railroad spike in the center of Fulton Inn Road (T-339); thence running in and through Fulton Inn Road (T-339) South 78° 12' 57" West 674.27' to an existing railroad spike; thence leaving Fulton Inn Road (T-339) and along lands of unknown ownership North 23° 17' 34" East 34.71' to an iron pin set; then continuing along the latter and the lands of Elam K. and Lavina Miller and crossing the Robert

Fulton Highway (SR-0222) North 61° 03' 39" West 1033.00 to an iron pin set; thence continuing along the latter North 61° 23' 22" West 1056.56' to an existing hickory snag at the corner of the lands of Christ E. and Sadie E. Stoltzfus; thence along the lands of Stoltzfus North 11° 57' 33" East 561.00' to a point in an unnamed stream; thence continuing along the latter North 18° 57' 33" East 681.45' to an iron pin set on the southern edge of Swift Road (T-468); thence continuing along the latter in and along Swift Road South 58° 32' 27" East 232.65' to a set mag nail; thence continuing along the latter and leaving Swift Road North 15° 05' 15" East 195.32' to an iron pin set at the southwest corner of lands of the Solanco School District; thence along the latter South 73° 13' 05" East 792.33' to a set mag nail in the Robert Fulton Highway (SR-0222), the place of BEGINNING.

CONTAINING 60.357 acres or 2629130 SF.

BEING Parcel Nos. 280-22818-0-0000 & 280-02561-0-0000

BEING the same piece of parcel of land acquired by the Commonwealth of Pennsylvania (DGS), from Donald Miller Goss and Maria A. Goss, husband and wife, by deed dated March 1, 1982, recorded April 6, 1982 in Record Book I, Volume 84, Page 329 in the Office of the Recorder of Deeds of Lancaster County.

ALSO BEING the same piece or parcel acquired by the Commonwealth of Pennsylvania (PHMC), from Fulton Township, by deed dated February 6, 1979, recorded July 10, 1979 in Record Book Volume Q, Volume 77, Page 357 in the Office of the Recorder of Deeds of Lancaster County.

ALSO BEING the same piece or parcel of land acquired by the General State Authority, from the Commonwealth of Pennsylvania, Department of Property and Supplies, by deed dated November 12, 1968, recorded December 5, 1968, in the Office of the Recorder of Deeds of Lancaster County in Record Book L, Volume 58, Page 587.

The Department of General Services is the successor to the Department of Property and Supplies and the General State Authority pursuant to Act 45 of 1975. (Said tract being part of the premises acquired by Declaration of Takings recited below and recorded at Record Book X, Volume 54, Page 663 and Record Book X, Volume 54, Page 661.)

ALSO BEING the same piece or parcel of land acquired by the Commonwealth of Pennsylvania, pursuant to Declaration of Taking, filed in the Office of the Prothonotary of the Court of Common Pleas of Lancaster County on August 25, 1965, at No. 93 August Term 1965, with a notice of the Declaration of Taking recorded at the Office of the Recorder of Deeds of Lancaster County at Record Book X, Volume 54, Page 663.

ALSO BEING the same piece or parcel of land acquired by the Commonwealth of Pennsylvania, pursuant to Declaration of Taking, filed in the Office of the Prothonotary of the Court of Common Pleas of Lancaster County on August 25, 1965, at No. 94 August Term 1965, with a notice of the Declaration of Taking recorded at the Office of the Recorder of Deeds of Lancaster County at Record Book X, Volume 54, Page 661.

(c) Requirements for conveyance.—The conveyance shall be made under and subject to all lawful and enforceable easements, servitudes and rights of others, including, but not limited to, streets, roadways and rights of any telephone, telegraph, water, electric, gas or pipeline companies, as well as

under and subject to any lawful and enforceable estates or tenancies vested in third persons appearing of record, for any portion of the land or improvements erected thereon.

(d) Condition.—Any conveyance authorized under this section shall be made under and subject to the condition, which shall be contained in the deed of conveyance, that no portion of the property conveyed shall be used as a licensed facility, as defined under 4 Pa.C.S. § 1103 (relating to definitions), or any other similar type of facility authorized under State law. The condition shall be a covenant running with the land and shall be binding upon the grantee and its successors. Should the grantee or its successors permit any portion of the property authorized to be conveyed in this section to be used in violation of this subsection, the title shall immediately revert to and revest in the grantor.

(e) Restrictive covenants.—The following restrictive covenants shall be included in the deed of conveyance:

Declaration of Restrictive Covenants for Historic Preservation  
Robert Fulton Birthplace  
Fulton Township, Lancaster County, Pennsylvania

(1) Covenants. In consideration of the conveyance of the aforementioned real property, Grantee covenants and agrees for itself, its heirs, administrators, successors and assigns that the said herein conveyed property shall be subject to the following historic preservation restrictions and shall do or refrain from doing with respect to the subject property all acts required or prohibited by the following preservation restrictions:

(A) Maintenance and Preservation. The Robert Fulton Birthplace shall be maintained and preserved as a historic site accessible by the public and for a demonstrable public benefit with maintenance and preservation standards acceptable to the Pennsylvania Historical and Museum Commission.

(B) Historic Structures. The Robert Fulton Birthplace, historic structures and buildings that comprise the property, shall be maintained and preserved in accordance with the Secretary of the Interior's Standards for the Treatment of Historic properties.

(C) Landscape. The landscape of the Robert Fulton Birthplace shall be preserved in a manner consistent with the historic characteristics of the subject property and shall not be used in any manner that would impair or interfere with the historic interpretation of the subject property.

(D) Prohibited Uses. No construction, alteration, rehabilitation, remodeling, demolition, site development, ground disturbance, removal of buildings, addition of buildings or use inconsistent with this covenant, or any other action, shall be undertaken or permitted to the subject property without the prior written approval of the Pennsylvania Historical and Museum Commission.

(E) Alterations/Modifications/Repairs. With the prior written approval of the Pennsylvania Historical and Museum

Commission, alterations, modifications, repairs or other work may be permitted to the subject property, provided:

(I) Notice. Timely notice shall be afforded to the Commission in advance of any such requested work on the subject property.

(II) Time. The Commission shall have 45 days from the date of receipt of such notice to review and approve the requested work in writing. Consent shall be implied if the Commission does not issue a written response approving the request.

(F) Archeology and other Ground Disturbing Activities. Mining, excavating, dredging or removing from the subject property any natural resource which removal would alter the historic value of the property is prohibited without the prior written approval of the Commission. Archeological investigation may be required by the Commission for any ground disturbing work and Grantee shall bear full financial responsibility for any such work.

(I) Archeological Discoveries. In the event archeological materials are discovered during any ground disturbing activities, work shall temporarily cease and the Commission shall be consulted for guidance and direction before ground disturbing work may continue.

(II) Standards for Archeology. Any archeological work conducted on the subject property shall be performed in accordance with the Secretary of the Interior's Standards and Guidelines for Archeological Documentation and any further standards and guidelines the Commission may require.

(2) Inspection and Compliance. The Commonwealth of Pennsylvania, by and through the Pennsylvania Historical and Museum Commission, reserves the right to enforce these preservation restrictions and shall, at all reasonable times and upon reasonable notice, have access to the subject property for purposes of inspection and compliance with these historic preservation restrictions.

(3) Right of Reverter. The Commonwealth of Pennsylvania, by and through the Pennsylvania Historical and Museum Commission, hereby reserves for itself, heirs, successors and assigns, a right of reverter on the Robert Fulton Birthplace, which shall revert to and reinvest in the Commonwealth by operation of law should any sale, transfer, or use of the Robert Fulton Birthplace be inconsistent with or in violation of the restrictions contained herein. The Commission may waive this provision provided Grantee petitions the Commission, in writing, for such waiver.

(4) Exclusion. The Grantee agrees that the Commonwealth of Pennsylvania, by and through any of its agencies, in no way assumes any obligation whatsoever for maintaining, repairing or administering the subject property covered by these restrictive covenants for historic preservation.

(5) Duration. These restrictive covenants for historic preservation shall be binding in perpetuity on Grantee, its heirs, administrators,

successors and assigns and shall be applicable to both the land and buildings and shall be deemed to run with the land.

(f) Execution.—The deed of conveyance shall be executed by the Secretary of General Services in the name of the Commonwealth of Pennsylvania.

(g) Costs and fees.—Costs and fees incidental to this conveyance shall be borne by the grantee.

(h) Expiration.—If the conveyance is not effectuated within one year of the effective date of this section, the authority under this section shall expire.  
Section 2. Conveyance in Lower Oxford Township, Chester County.

(a) Authorization.—The Department of General Services, with the approval of the Governor, is hereby authorized on behalf of the Commonwealth of Pennsylvania to grant and convey to Willow Creek, LLC, the following tract of land, together with all improvements thereon, situate in Lower Oxford Township, Chester County, for \$1,500 and under terms and conditions to be established in an agreement of sale.

(b) Property description.—The property to be conveyed under subsection (a) consists of approximately .030 acres of land and improvements located thereon, bounded and more particularly described as follows:

ALL THAT CERTAIN tract of land with small pump house building thereon erected, situate in Lower Oxford Township, Chester County, Pennsylvania, being more particularly described as follows, to wit:

BEGINNING at a point set at the southwesterly corner of this about-to-be-described lease boundary, said point being formed by the intersection of lines being 10 feet South and parallel to the south wall of the building hereon erected and also by a line being 10 feet West of the west wall of the building, said point being set the following two courses and distances from a point set in the centerline of Public Road T-331 marking a corner of land of Arthur Wichart and a corner of Lincoln University: south 05 degrees 16 minutes West 764.85 feet to a concrete monument, North 19 degrees 50 minutes 49 seconds East, 50.96 feet to a point being the Place of BEGINNING; thence leaving said Point and by other land of Lincoln University, of which this was a part, the following courses and distances to wit:

North 12 degrees 17 minutes East 32.00 feet to a point

South 77 degrees 43 minutes East 42.00 feet to a point

South 12 degrees 17 minutes West 32.00 feet to a point

North 77 degrees 43 minutes West 42.00 feet to a point being the Place of BEGINNING.

CONTAINING .030 acres or 1,344 square feet of land being the same more or less;

BEING PART OF THE SAME PREMISES which Lincoln University, a Corporation, by Deed dated March 23, 1971, and recorded in the Office of the Recorder of Deeds in and for Chester County, Pennsylvania in Book V-39, Page 767, granted and conveyed unto The General State Authority. The Department of General Services being the legal successor to the General State Authority pursuant to Act 45 of 1975.

(c) Easements.—The conveyance shall be made under and subject to all lawful and enforceable easements, servitudes and rights of others, including, but not confined to, streets, roadways and rights of any telephone, telegraph,

water, electric, gas or pipeline companies, as well as under and subject to any lawful and enforceable estates or tenancies vested in third persons appearing of record, for any portion of the land or improvements erected thereon.

(d) Covenant.—The deed of conveyance shall contain the following covenant:

"Under and subject to the condition, that no portion of the property conveyed shall be used as a licensed facility, as defined in 4 Pa.C.S. § 1103 (relating to definitions), or any other similar type of facility authorized under State law. The condition shall be a covenant running with the land and shall be binding upon the Buyer (Grantee), its successors and assigns. Should the Buyer (Grantee), its successors or assigns, permit any portion of the property to be used in violation of this restriction, the title shall immediately revert to and revest in the Seller (Grantor)."

(e) Deed.—The deed of conveyance shall be by special warranty deed and shall be executed by the Secretary of General Services in the name of the Commonwealth of Pennsylvania.

(f) Proceeds.—The proceeds from the sale shall be deposited in the General Fund.

Section 3. Effective date.

This act shall take effect immediately.

APPROVED—The 7th day of July, A.D. 2016

TOM WOLF