

## No. 2002-106

## AN ACT

## SB 984

Authorizing and directing the Department of General Services, with the approval of the Governor, to grant and convey to Kittochtinny Historical Society, Inc., certain lands situate in the Borough of Chambersburg, Franklin County, Pennsylvania; and authorizing the Department of General Services, with the approval of the Governor, to remove certain restrictions imposed on lands conveyed or to be conveyed to Smithfield Township, situate in Smithfield Township, Huntingdon County, Pennsylvania.

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

**Section 1. Conveyance in the Borough of Chambersburg.**

(a) **Authorization.**—The Department of General Services, with the approval of the Governor, is hereby authorized and directed on behalf of the Commonwealth of Pennsylvania to grant and convey to Kittochtinny Historical Society, Inc., certain land and buildings described in subsection (b) for fair market value as determined by independent appraisal in accordance with an Agreement of Sale dated February 16, 2001.

(b) **Property description.**—The property to be conveyed pursuant to subsection (a) consists of approximately .08 acres and a house bounded and more particularly described as follows:

BEGINNING at a nail on the north inside pavement line of East King Street (said pavement being approximately 11 feet in width); thence with the lands now or formerly of Guy A. Patterson, North 9 degrees 22 minutes 2 seconds East 99.17 feet to an iron pin; thence by other lands nor or formerly of the Redevelopment Authority of the County of Franklin, South 80 degrees 15 minutes 57 seconds East 34.64 feet to an iron pin; thence by lands now or formerly of John F. Abbott, et al, South 9 degrees 13 minutes 1 second West 99.14 feet to an iron pin on the north inside pavement line; thence with the North inside pavement line, North 80 degrees 18 minutes 34 seconds West 34.9 feet to the place of BEGINNING.

CONTAINING .08 acres more or less.

AND BEING the same land conveyed to the Commonwealth of Pennsylvania by deed of the Redevelopment Authority of the County of Franklin, dated November 9, 1973, recorded in Franklin County, Deed Book Volume 698 at page 224.

(c) **Conditions.**—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) Restrictive clauses.—The deed of conveyance shall contain the following restrictive clauses:

(1) Under and subject to the condition that the lands conveyed herein shall be used for historical exhibition/public purposes only. Should the Grantee allow the lands conveyed to be used for any other purpose, or attempts to convey the premises, title shall immediately revert to and revest in the Grantor. However, the Grantor and Grantee, or their successors and assigns, agree that should the within-named Grantee, or its successors, dissolve or cease to remain in existence, then the Grantee, or its successors, may allow title to the above-described real estate to be conveyed to a successor organization that has the same objectives, purposes and goals as the Grantee, said conveyance to be subject to the other covenants and restrictions set forth in this deed. Nothing in this covenant shall be construed to limit the Grantee's ability to lease the lands conveyed herein.

(2) Under and subject to the condition that the Grantee shall ensure that any design for new construction, rehabilitation, alteration or demolition work on the property is compatible with its original architectural design and landscape/site plan in terms of scale, massing, fenestration, materials and color and is consistent with the recommended approaches in the Secretary of the Interior's "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" as revised in 1995. Further, no new construction, demolition, alteration, remodeling or landscaping/site work shall be undertaken or permitted to be undertaken on the property without the prior written approval of the Pennsylvania Historical and Museum Commission and signed by a duly authorized representative thereof.

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

(g) Disposal.—In the event that this conveyance is not executed within 12 months of the effective date of this act, the property may be disposed of in accordance with Article 2406-A of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929.

#### Section 2. Removal of restrictions on lands in Smithfield Township.

(a) Authorization.—The Department of General Services, with the approval of the Governor, is hereby authorized on behalf of the Commonwealth to execute a deed to remove certain restrictions imposed on the lands conveyed or to be conveyed to Smithfield Township under section 2(d)(1) and (2) of the act of June 26, 2001 (P.L.749, No.76), entitled "An act authorizing and directing the Department of Transportation, with the

approval of the Governor, to convey to Scranton School District two parcels of land situated in the City of Scranton, Lackawanna County, Pennsylvania; authorizing and directing the Department of General Services, with the approval of the Governor, to grant and convey to Smithfield Township or its assigns certain lands situate in Smithfield Township, Huntingdon County; and making a repeal," upon Smithfield Township providing, at its sole expense and to the satisfaction of both the Department of General Services and Department of Corrections, a replacement water supply for SCI-Huntingdon.

(b) Deed.—The deed shall be executed by the Secretary of General Services in the name of the Commonwealth of Pennsylvania.

(c) Costs.—Costs and fees incidental to removing the restrictions shall be borne by the grantee.

Section 3. Effective date.

This act shall take effect immediately.

APPROVED—The 4th day of July, A.D. 2002.

MARK S. SCHWEIKER