

## No. 2014-174

## AN ACT

## HB 2310

Amending the act of July 2, 2014 (P.L.881, No.100), entitled "An act authorizing the Department of General Services to survey certain lands and buildings situate partly in the City of Harrisburg and partly in Susquehanna Township, Dauphin County; authorizing the Department of Transportation, with the approval of the Governor, to grant and convey to East Liberty Development Corporation certain lands and improvements situate in the City of Pittsburgh, Allegheny County; authorizing and directing the Department of General Services, with the approval of the Department of Military and Veterans Affairs and the Governor, to grant and convey, at a price to be determined through a competitive bid process, certain lands, buildings and improvements situate in the City of Pittsburgh, Allegheny County, and the Borough of Pine Grove, Schuylkill County; authorizing the Department of General Services, with the approval of the Governor to remove and release the restrictive use covenants imposed on certain real property situate in the Borough of Blossburg, Tioga County; authorizing the Department of General Services, with the approval of the Department of Labor and Industry and the Governor, to grant and convey to the Coatesville Area Senior Center, or its successors or assigns, certain lands, buildings and improvements situate in the City of Coatesville, Chester County; authorizing the Department of General Services, with the approval of the Governor, to grant and convey to the Philadelphia Technician Training School certain lands situate in the City of Philadelphia, Philadelphia County; authorizing the Department of General Services, with the approval of the Pennsylvania Historical and Museum Commission and the Governor, to grant and convey to Fort LeBoeuf Historical Society certain lands situate in the Borough of Waterford, Erie County; authorizing and directing the Department of General Services, with the approval of Millersville University of Pennsylvania of the State System of Higher Education and the Governor, to grant and convey to Penn Manor School District certain lands situate in the Borough of Millersville, Lancaster County, and further authorizing and directing the Department of General Services to accept, in exchange, a conveyance of certain lands situate in the Borough of Millersville, Lancaster County, from the Penn Manor School District; authorizing the Department of General Services, with the approval of the Governor, to remove and release the restrictive use and reversionary covenants imposed on certain real property situate in the City of Scranton, Lackawanna County; partially removing and releasing restrictive use covenants on certain lands situate in Benner Township, Centre County; and authorizing the Department of General Services, with the approval of the Attorney General and the concurrence of the Department of Environmental Protection, to lease to the City of Philadelphia land within the bed of the Delaware River within the City of Philadelphia," reenacting provisions 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 Fort LeBoeuf Historical Society certain lands, known as Washington Monument Park, Judson House and Fort LeBoeuf Museum, situate in the Borough of Waterford, Erie County; authorizing the Department of General Services, with the approval of the Department of Environmental Protection and the Governor, to grant and convey to Centura Development Co., Inc. a vacant parcel of land situate in Old Lycoming Township, Lycoming County; authorizing the Department of General Services, with the approval of the Governor, to grant and convey to the Erie Convention Center Authority, or its assigns, an ingress and

egress easement from lands of the Commonwealth of Pennsylvania at the Warner Theater Historical Site situate in the City of Erie, Erie County; authorizing the Department of General Services, with the approval of the Governor, to grant and convey to East Allen Township, or its assigns, certain lands situate in the Township of East Allen, Northampton County; and authorizing the Department of General Services, with the approval of the Department of Agriculture and the Governor, to grant and convey to D&I Silica LLC, or its assigns, an egress easement through lands of the Commonwealth of Pennsylvania situate in the Township of Tunkhannock, County of Wyoming.

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

Section 1. The title of the act of July 2, 2014 (P.L.881, No.100), entitled "An act authorizing the Department of General Services to survey certain lands and buildings situate partly in the City of Harrisburg and partly in Susquehanna Township, Dauphin County; authorizing the Department of Transportation, with the approval of the Governor, to grant and convey to East Liberty Development Corporation certain lands and improvements situate in the City of Pittsburgh, Allegheny County; authorizing and directing the Department of General Services, with the approval of the Department of Military and Veterans Affairs and the Governor, to grant and convey, at a price to be determined through a competitive bid process, certain lands, buildings and improvements situate in the City of Pittsburgh, Allegheny County, and the Borough of Pine Grove, Schuylkill County; authorizing the Department of General Services, with the approval of the Governor to remove and release the restrictive use covenants imposed on certain real property situate in the Borough of Blossburg, Tioga County; authorizing the Department of General Services, with the approval of the Department of Labor and Industry and the Governor, to grant and convey to the Coatesville Area Senior Center, or its successors or assigns, certain lands, buildings and improvements situate in the City of Coatesville, Chester County; authorizing the Department of General Services, with the approval of the Governor, to grant and convey to the Philadelphia Technician Training School certain lands situate in the City of Philadelphia, Philadelphia County; authorizing the Department of General Services, with the approval of the Pennsylvania Historical and Museum Commission and the Governor, to grant and convey to Fort LeBoeuf Historical Society certain lands situate in the Borough of Waterford, Erie County; authorizing and directing the Department of General Services, with the approval of Millersville University of Pennsylvania of the State System of Higher Education and the Governor, to grant and convey to Penn Manor School District certain lands situate in the Borough of Millersville, Lancaster County, and further authorizing and directing the Department of General Services to accept, in exchange, a conveyance of certain lands situate in the Borough of Millersville, Lancaster County, from the Penn Manor School District; authorizing the Department of General Services, with the approval of the Governor, to remove and release the restrictive use and reversionary covenants imposed on certain real property situate in the City of Scranton, Lackawanna County; partially removing and releasing restrictive use covenants on certain lands situate in

Benner Township, Centre County; and authorizing the Department of General Services, with the approval of the Attorney General and the concurrence of the Department of Environmental Protection, to lease to the City of Philadelphia land within the bed of the Delaware River within the City of Philadelphia," is amended to read:

AN ACT

Authorizing the Department of General Services to survey certain lands and buildings situate partly in the City of Harrisburg and partly in Susquehanna Township, Dauphin County; authorizing the Department of Transportation, with the approval of the Governor, to grant and convey to East Liberty Development Corporation certain lands and improvements situate in the City of Pittsburgh, Allegheny County; authorizing and directing the Department of General Services, with the approval of the Department of Military and Veterans Affairs and the Governor, to grant and convey, at a price to be determined through a competitive bid process, certain lands, buildings and improvements situate in the City of Pittsburgh, Allegheny County, and the Borough of Pine Grove, Schuylkill County; authorizing the Department of General Services, with the approval of the Governor to remove and release the restrictive use covenants imposed on certain real property situate in the Borough of Blossburg, Tioga County; authorizing the Department of General Services, with the approval of the Department of Labor and Industry and the Governor, to grant and convey to the Coatesville Area Senior Center, or its successors or assigns, certain lands, buildings and improvements situate in the City of Coatesville, Chester County; authorizing the Department of General Services, with the approval of the Governor, to grant and convey to the Philadelphia Technician Training School certain lands situate in the City of Philadelphia, Philadelphia County; authorizing the Department of General Services, with the approval of the Pennsylvania Historical and Museum Commission and the Governor, to grant and convey to Fort LeBoeuf Historical Society certain lands situate in the Borough of Waterford, Erie County; authorizing and directing the Department of General Services, with the approval of Millersville University of Pennsylvania of the State System of Higher Education and the Governor, to grant and convey to Penn Manor School District certain lands situate in the Borough of Millersville, Lancaster County, and further authorizing and directing the Department of General Services to accept, in exchange, a conveyance of certain lands situate in the Borough of Millersville, Lancaster County, from the Penn Manor School District; authorizing the Department of General Services, with the approval of the Governor, to remove and release the restrictive use and reversionary covenants imposed on certain real property situate in the City of Scranton, Lackawanna County; partially removing and releasing restrictive use covenants on certain lands situate in Benner Township, Centre County; **[and]** authorizing the Department of General Services, with the approval of the Attorney General and the concurrence of the Department of Environmental Protection, to lease to the City of Philadelphia land within

*the bed of the Delaware River within the City of Philadelphia[.]; authorizing the Department of General Services, with the approval of the Department of Environmental Protection and the Governor, to grant and convey to Centura Development Co., Inc. a vacant parcel of land situate in Old Lycoming Township, Lycoming County; authorizing the Department of General Services, with the approval of the Governor, to grant and convey to the Erie Convention Center Authority, or its assigns, an ingress and egress easement from lands of the Commonwealth of Pennsylvania at the Warner Theater Historical Site situate in the City of Erie, Erie County; authorizing the Department of General Services, with the approval of the Governor, to grant and convey to East Allen Township, or its assigns, certain lands situate in the Township of East Allen, Northampton County; and authorizing the Department of General Services, with the approval of the Department of Agriculture and the Governor, to grant and convey to D&I Silica LLC, or its assigns, an egress easement through lands of the Commonwealth of Pennsylvania situate in the Township of Tunkhannock, County of Wyoming.*

Section 2. Sections 8, 9 and 10 of the act are reenacted to read:

Section 8. Conveyance of Washington Monument Park in Borough of Waterford, Erie 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 of Pennsylvania to grant and convey to the Fort LeBoeuf Historical Society certain lands and any improvements thereon described in subsection (b), the property being known locally as the Washington Monument Park, situate in the Borough of Waterford, Erie County, for \$1.

(b) Description of property.—The property to be conveyed pursuant to this section consists of approximately 0.104 acres, including any improvements located thereon, more particularly described as follows:

#### Tract 1

ALL THAT CERTAIN piece or parcel of land situate in the Borough of Waterford, County of Erie, and Commonwealth of Pennsylvania, bounded and described as follows, to wit:

BEGINNING at a point fifty (50) feet west of the west line of High Street and twenty (20) feet north of the north line of First Alley; thence southwardly, parallel with High Street, four (4) feet and eight (8) inches to a point; thence eastwardly and parallel with First Alley, four (4) feet and eight (8) inches to a point; thence northerly and parallel with High Street, four (4) feet and eight (8) inches to a point; thence westwardly, parallel with First Alley, four (4) feet and eight (8) inches to the place of BEGINNING.

BEING the same property conveyed to the Commonwealth of Pennsylvania, from the Fort LeBoeuf Chapter, Daughters of American Colonists, by deed dated April 11, 1945, and recorded in Erie County Deed Book No. 454, Page 396.

## Tract 2

ALL THAT CERTAIN piece or lot of land situated in the Borough of Waterford, in the County of Erie, and Commonwealth of Pennsylvania, bounded and described as follows, to wit:

COMMENCING at the southeast corner of what is N/F known as the Eagle Hotel Lot on High Street; thence westwardly along same, eighty-two and one-half (82 1/2) feet; thence southwardly along said lot and parallel with High Street, fifty-five (55) feet to First Alley; thence eastwardly, eighty-two and one-half (82 1/2) feet to High Street; thence along High Street northwardly, fifty-five (55) feet to the PLACE OF BEGINNING.

BEING the same property conveyed to the Commonwealth of Pennsylvania, from the Fort LeBoeuf Chapter, Daughters of American Colonists, by deed dated August 16, 1950, and recorded in Erie County in Deed Book 573, Page 131.

EXCEPTING THEREFROM, however, a piece of land four (4) feet and eight (8) inches square, heretofore conveyed by the Fort LeBoeuf Chapter, Daughters of the American Colonists, to the Commonwealth of Pennsylvania, by deed dated April 11, 1945, and recorded in Deed Book 454, Page 396.

Being Parcel ID #46-9-57-2.

(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) Gaming restriction.—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 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 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 covenant.—The following restrictive covenants shall be included in the deed of conveyance:

Declaration of Covenants  
Washington Monument Park  
Borough of Waterford, Erie County, Pennsylvania

(1) Covenants.

- (a) The deed of transfer of this property, which property shall hereinafter be described in this agreement as "Washington Monument Park," shall contain the following language: "Fort

LeBoeuf Historical Society and its successors, (hereafter referred to as "FLHS") covenants and agrees to assume responsibility for the maintenance, preservation, and administration of the property in a manner that is satisfactory to the Pennsylvania Historical and Museum Commission ("Commission") for a demonstrable public benefit in perpetuity, under and subject to the condition that the buildings and lands conveyed herein shall be accessible to the public."

- (b) The provisions of these covenants, hereinafter expressed as covenants running with the land, are herein set forth so as to ensure the maintenance and preservation of the qualities, natural resources and historical characteristics of Washington Monument Park.
- (2) Standards for Historic Preservation.
- (a) Washington Monument Park shall be maintained and preserved in accordance with the Secretary of the Interior's Standards for the Treatment of Historic Properties.
  - (b) No construction, alteration, rehabilitation, remodeling, demolition, site development, ground disturbance or other action shall be undertaken or permitted to said property without the prior written permission from the Commission.
  - (c) Prior to the commencement of work, FLHS agrees to notify, in writing, the Commission of all such work on said property in advance.
  - (d) The Commission will be given 45 days from receipt of the notice (sent via certified mail) to review and approve in writing the appropriateness of said work. If no response is provided within 45 days, consent shall be implied.
- (3) Requirements and Standards for Archaeological Investigation.
- (a) For work that involves ground disturbance, the Commission may require archaeological investigation, for which FLHS shall have financial responsibility.
  - (b) In the event that archaeological materials are discovered during ground-disturbing activities, work shall temporarily cease, and the Commission shall be consulted for instructions prior to proceeding with the work.
  - (c) Any archaeological work shall be conducted in accordance with the Secretary of the Interior's Standards and Guidelines for Archaeological Documentation (48FR 447344-37) and any such standards and guidelines as the Commission may specify.
- (4) Access.
- FLHS shall allow the Commission, at all reasonable times and upon reasonable advance notice to FLHS, access to inspect said property to ensure compliance with this preservation covenant.
- (5) Right of Reverter.
- (a) The deed of conveyance shall contain a clause that the title to the property shall immediately revert to and revest in the Commonwealth should FLHS sell or transfer the property or permit the property to be used for any purpose other than as a

museum, or related business and/or curatorial offices, for any length of time.

- (b) FLHS may petition the Commission for a waiver of this provision if a proposed usage would meet the spirit of this agreement.
- (c) The Commission must specifically approve any waiver of this provision.
- (6) Binding in Perpetuity.
  - (a) This covenant is binding on FLHS and its successors in perpetuity.
  - (b) This covenant shall be binding servitude upon the property and shall be deemed to run with the land.
  - (c) Execution of this covenant shall constitute evidence that FLHS agrees to be bound by the foregoing conditions and restrictions and to perform the obligations herein set forth.
- (f) Deed of conveyance.—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.—In the event that the conveyance is not effectuated within one year of the effective date of this section, the authority contained in this section shall expire.

Section 9. Conveyance of Fort LeBoeuf Museum in Borough of Waterford, Erie 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 of Pennsylvania to grant and convey to the Fort LeBoeuf Historical Society certain lands and any improvements thereon described in subsection (b), the property being known locally as the Fort LeBoeuf Museum, situate in the Borough of Waterford, Erie County, for \$1.

(b) Description of property.—The property to be conveyed pursuant to this section consists of approximately 1.17 acres, including any improvements located thereon, more particularly described as follows:

ALL THAT CERTAIN piece or parcel of land situate in the Borough of Waterford, Erie County, Pennsylvania, being a rectangle 155 feet by 330 feet, on the east side of High Street (Route #19), bounded by First Alley, Cherry Street (unopened) and Water Street (unopened).

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 Erie County on September 30, 1968, at No. 2782 A Term 1968, with a notice of the Declaration of Taking recorded at the Office of the Recorder of Deeds of Erie County at Book 990, Page 84.

BEING Parcel ID #46-9-58-4.

(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) Gaming restriction.—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 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 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 covenant.—The following restrictive covenants shall be included in the deed of conveyance:

Declaration of Covenants  
Fort LeBoeuf Museum  
Borough of Waterford, Erie County, Pennsylvania

(1) Covenants.

- (a) The deed of transfer of this property, which property shall hereinafter be described in this agreement as "Fort LeBoeuf Museum," shall contain the following language: "Fort LeBoeuf Historical Society and its successors, (hereafter referred to as "FLHS") covenants and agrees to assume responsibility for the maintenance, preservation, and administration of the property in a manner that is satisfactory to the Pennsylvania Historical and Museum Commission ("Commission") for a demonstrable public benefit in perpetuity, under and subject to the condition that the buildings and lands conveyed herein shall be accessible to the public."
- (b) The provisions of these covenants, hereinafter expressed as covenants running with the land, are herein set forth so as to ensure the maintenance and preservation of the qualities, natural resources and historical characteristics of Fort LeBoeuf Museum.

(2) Standards for Historic Preservation.

- (a) Fort LeBoeuf Museum shall be maintained and preserved in accordance with the Secretary of the Interior's Standards for the Treatment of Historic Properties.
- (b) No construction, alteration, rehabilitation, remodeling, demolition, site development, ground disturbance or other action shall be undertaken or permitted to said property without the prior written permission from the Commission.
- (c) Prior to the commencement of work, FLHS agrees to notify, in writing, the Commission of all such work on said property in advance.
- (d) The Commission will be given 45 days from receipt of the notice (sent via certified mail) to review and approve in writing the



appropriateness of said work. If no response is provided within 45 days, consent shall be implied.

(3) Requirements and Standards for Archaeological Investigation.

- (a) For work that involves ground disturbance, the Commission may require archaeological investigation, for which FLHS shall have financial responsibility.
- (b) In the event that archaeological materials are discovered during ground-disturbing activities, work shall temporarily cease, and the Commission shall be consulted for instructions prior to proceeding with the work.
- (c) Any archaeological work shall be conducted in accordance with the Secretary of the Interior's Standards and Guidelines for Archaeological Documentation (48FR 447344-37) and any such standards and guidelines as the Commission may specify.

(4) Access.

FLHS shall allow the Commission, at all reasonable times and upon reasonable advance notice to FLHS, access to inspect said property to ensure compliance with this preservation covenant.

(5) Right of Reverter.

- (a) The deed of conveyance shall contain a clause that the title to the property shall immediately revert to and revest in the Commonwealth should FLHS sell or transfer the property or permit the property to be used for any purpose other than as a museum, or related business and/or curatorial offices, for any length of time.
- (b) FLHS may petition the Commission for a waiver of this provision if a proposed usage would meet the spirit of this agreement.
- (c) The Commission must specifically approve any waiver of this provision.

(6) Binding in Perpetuity.

- (a) This covenant is binding on FLHS and its successors in perpetuity.
- (b) This covenant shall be binding servitude upon the property and shall be deemed to run with the land.
- (c) Execution of this covenant shall constitute evidence that FLHS agrees to be bound by the foregoing conditions and restrictions and to perform the obligations herein set forth.

(f) Deed of conveyance.—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.—In the event that the conveyance is not effectuated within one year of the effective date of this section, the authority contained in this section shall expire.

Section 10. Conveyance of Judson House in Borough of Waterford, Erie 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 of Pennsylvania to grant and convey to the Fort LeBoeuf Historical Society certain lands and any improvements thereon described in subsection (b), the property being known locally as the Judson House, situate in the Borough of Waterford, Erie County, for \$1.

(b) Description of property.—The property to be conveyed pursuant to this section consists of approximately 0.5871 acres, including any improvements located thereon, more particularly described as follows:

#### Tract 1

ALL THAT CERTAIN piece or parcel of land situate in the Borough of Waterford, County of Erie and Commonwealth of Pennsylvania, being Lots Nos. Seven (7) and Eight (8) of Garrison Lots in said Borough.

The said lots are situate at the southeast intersection of High Street and First Street, in said Borough, and front for a distance of 105 feet on the south side of First Street and extends southerly therefrom a distance of 155 feet on the east side of High Street.

Excepting and reserving however, from the above described land all that easterly portion consisting of a 60 foot frontage on First Street and extending to a depth of 155 feet therefrom in a southerly direction.

BEING the same piece or parcel of land conveyed to the Commonwealth of Pennsylvania, from Frank R. Johnston, et al, by deed dated July 8, 1949, and recorded in Erie County Deed Book 542, Page 549.

#### Tract 2

ALL THAT CERTAIN piece or parcel of land situate in the Borough of Waterford, County of Erie and Commonwealth of Pennsylvania, being the east sixty (60) feet fronting on the southerly side of First Street to an alley, and extending southwardly at a uniform depth of one hundred fifty-five (155) feet, of lots Nos. 7 and 8 of the Garrison Lots in the Borough of Waterford, more fully bounded and described as follows, to wit:

BEGINNING at a point in the south line of First Street, one hundred five (105) feet eastwardly from the point of intersection of the south line of First Street with the east line of High Street; thence southwardly parallel with the east line of High Street, one hundred and fifty-five (155) feet, more or less, to the north line of an alley; thence eastwardly along the north line of said alley, and parallel with the south line of First Street, sixty (60) feet to a point; thence northwardly parallel with the east line of High Street, one hundred and fifty-five (155) feet, more or less, to the south line of First Street; and thence westwardly along the south line of First Street, sixty (60) feet to the place of BEGINNING.

BEING the same piece or parcel of land conveyed to the Commonwealth of Pennsylvania, from Miriam Kuhns, unmarried, and Cynthia Ensworth, widow, by deed dated March 21, 1950, and recorded in Erie County Deed Book 560, Page 348.

BEING Parcel ID #46-9-58-1.

(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) Gaming restriction.—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 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 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 covenant.—The following restrictive covenants shall be included in the deed of conveyance:

Declaration of Covenants  
Judson House  
Borough of Waterford, Erie County, Pennsylvania

(1) Covenants.

(a) The deed of transfer of this property, which property shall hereinafter be described in this agreement as "Judson House," shall contain the following language: "Fort LeBoeuf Historical Society and its successors, (hereafter referred to as "FLHS") covenants and agrees to assume responsibility for the maintenance, preservation, and administration of the property in a manner that is satisfactory to the Pennsylvania Historical and Museum Commission ("Commission") for a demonstrable public benefit in perpetuity, under and subject to the condition that the buildings and lands conveyed herein shall be accessible to the public."

(b) The provisions of these covenants, hereinafter expressed as covenants running with the land, are herein set forth so as to ensure the maintenance and preservation of the qualities, natural resources and historical characteristics of Judson House.

(2) Standards for Historic Preservation.

(a) Judson House shall be maintained and preserved in accordance with the Secretary of the Interior's Standards for the Treatment of Historic Properties.

(b) No construction, alteration, rehabilitation, remodeling, demolition, site development, ground disturbance or other action shall be undertaken or permitted to said property without the prior written permission from the Commission.

- (c) Prior to the commencement of work, FLHS agrees to notify, in writing, the Commission of all such work on said property in advance.
  - (d) The Commission will be given 45 days from receipt of the notice (sent via certified mail) to review and approve in writing the appropriateness of said work. If no response is provided within 45 days, consent shall be implied.
- (3) Requirements and Standards for Archaeological Investigation.
- (a) For work that involves ground disturbance, the Commission may require archaeological investigation, for which FLHS shall have financial responsibility.
  - (b) In the event that archaeological materials are discovered during ground-disturbing activities, work shall temporarily cease, and the Commission shall be consulted for instructions prior to proceeding with the work.
  - (c) Any archaeological work shall be conducted in accordance with the Secretary of the Interior's Standards and Guidelines for Archaeological Documentation (48FR 447344-37) and any such standards and guidelines as the Commission may specify.
- (4) Access.
- FLHS shall allow the Commission, at all reasonable times and upon reasonable advance notice to FLHS, access to inspect said property to ensure compliance with this preservation covenant.
- (5) Right of Reverter.
- (a) The deed of conveyance shall contain a clause that the title to the property shall immediately revert to and revest in the Commonwealth should FLHS sell or transfer the property or permit the property to be used for any purpose other than as a museum, or related business and/or curatorial offices, for any length of time.
  - (b) FLHS may petition the Commission for a waiver of this provision if a proposed usage would meet the spirit of this agreement.
  - (c) The Commission must specifically approve any waiver of this provision.
- (6) Binding in Perpetuity.
- (a) This covenant is binding on FLHS and its successors in perpetuity.
  - (b) This covenant shall be binding servitude upon the property and shall be deemed to run with the land.
  - (c) Execution of this covenant shall constitute evidence that FLHS agrees to be bound by the foregoing conditions and restrictions and to perform the obligations herein set forth.
- (f) Deed of conveyance.—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.
- (g) Costs and fees.—Costs and fees incidental to this conveyance shall be borne by the grantee.

(h) Expiration.—In the event that the conveyance is not effectuated within one year of the effective date of this section, the authority contained in this section shall expire.

Section 3. The act is amended by adding sections to read:

**Section 14.1. Conveyance in Old Lycoming Township, Lycoming County.**

(a) *Authorization.*—*The Department of General Services, with the approval of the Department of Environmental Protection and the Governor, is authorized on behalf of the Commonwealth to grant and convey to Centura Development Co., Inc. certain land situate in Old Lycoming Township, Lycoming County, for \$500.*

(b) *Legal description.*—*The property to be conveyed pursuant to subsection (a) of approximately 1,248 +/- square feet or approximately .03 acres and improvements thereon bounded and more particularly described as follows:*

*ALL THAT CERTAIN piece, parcel, and lot of land situate in Old Lycoming Township, Lycoming County, Pennsylvania and shown upon a plan by the Larson Design Group, file 6240-006; bounded and described as follows:*

*BEGINNING at a set mag nail on the southern right of way line of Carmella Avenue, said mag nail being located South 84 degrees 52 minutes 59 seconds East, 76.66 feet from a set mag nail on the eastern right of way line of Pennsylvania State Route 1017, being known as Lycoming Creek Road, and the northwest corner of lands of Raymond A. Eck (Tax Parcel No. 43-07-603);*

*THENCE from the point and place of beginning and along the southern right of way line of Carmella Avenue the two following courses and distances:*

*1. North 82 degrees 05 minutes 38 seconds East, 67.02 feet to a set steel pin;*

*2. By a curve to the right with a radius of 66.71 feet, an arch length of 63.59 feet, a delta angle of 54 degrees 36 minutes 59 seconds, and a chord of South 70 degrees 35 minutes 53 seconds East, 61.21 feet to a set steel pin at the northeast corner of lands of Raymond A. Eck (Tax Parcel No. 43-07-603);*

*THENCE along the northern line of lands of Raymond A. Eck (Tax Parcel No. 43-07-603), North 84 degrees 52 minutes 59 seconds West, 124.62 feet to the point and place of BEGINNING.*

*CONTAINING 1,248 square feet, more or less.*

(c) *Conditions.*—*The conveyance shall be made under and subject to all lawful and enforceable easements, servitudes and rights of others, including streets, roadways and rights of any telephone, telegraph, water, electric, gas or pipeline companies, and 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 on the land.*

(d) *Gaming restriction.*—*The 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*

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<sup>1</sup>to section 1 consists of" in enrolled bill.

*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 grantee and its successors in interest. If the grantee or a successor in interest permits a 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) Deed of conveyance.—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.*

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

*(g) Deposit of proceeds.—The proceeds from this sale shall be deposited in the General Fund.*

*(h) Expiration.—If this conveyance is not executed within six months of the effective date of this section, the authority contained in this section shall expire.*

**Section 14.2. Easement from land in the City of Erie, Erie County.**

*(a) Authorization.—The Department of General Services, with the approval of the Governor, is authorized on behalf of the Commonwealth to grant and convey to the Erie County Convention Center Authority and its successors in interest, a permanent ingress and egress easement from lands of the Commonwealth at the Warner Theater Historical Site situate in the City of Erie, Erie County, for \$1.00, under terms and conditions to be established in an easement agreement.*

*(b) Legal description.—The permanent utility easements to be conveyed under subsection (a) total approximately 0.0062 acres, bounded and more particularly described as follows:*

*THAT CERTAIN parcel of land situate in the second ward of the City of Erie, County of Erie, and Commonwealth of Pennsylvania, being a portion of Erie County Index No. (15)020-001.0-201.00, more fully described as follows:*

*BEGINNING at a point in the northerly terminus of an existing 12-foot wide alley on the northerly side of East 9th Street (60-foot right-of-way) which bears the following three (3) courses from the intersection of the northerly right-of-way line of said East 9th Street with the easterly right-of-way line of State Street (100-foot right-of-way):*

*1) N64°01'45"E along said northerly right-of-way line of East 9th Street, a distance of 165.48 feet to an intersection with said westerly right-of-way line of the alley; thence*

*2) N26°00'30"W along said westerly right-of-way line of the alley, a distance of 120.20 feet to said terminus of the alley; thence*

*3) N64°01'50"E along said terminus of the alley, a distance of 6.00 feet to the point of beginning;*

*THENCE N26°00'30"W, a distance of 45.00 feet; thence N64°01'50"E, a distance of 6.00 feet; thence S26°00'30"E, a distance of 45.00 feet to an intersection with said northerly terminus of the alley; thence S64°01'50"W along said terminus of the alley, a distance of 6.00 feet to the point of beginning.*

*Containing 0.0062 acre.*

*(c) Easement agreement.—The easement agreement shall be executed by the Secretary of General Services in the name of the Commonwealth.*

*(d) Costs and fees.—Costs and fees incidental to the easement agreement shall be borne by the grantee.*

*(e) Expiration.—If the parties have not entered into an easement agreement within one year of the effective date of this section, the authorization contained in this section shall expire.*

**Section 14.3. Conveyance in East Allen Township, Northampton 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 East Allen Township, or its assigns, certain lands, and any improvements located thereon, situate in the Township of East Allen, Northampton County, under terms, conditions and for consideration equal to fair market value to be established in an Agreement of Sale.*

*(b) Legal description.—The property to be conveyed pursuant to subsection (a) consists of approximately 18.14 acres of land, and any improvements thereon, bounded and more particularly described as follows:*

**ALL THAT CERTAIN TRACT OF LAND situate in East Allen Township, Northampton County, Pennsylvania, being bounded and described as follows:**

**BEGINNING at a point at the intersection of the center line of Weaversville Road (SR 3017) and the center line of Colony Drive; thence**

**(1) N 35° 20' 50" W along the center line of Weaversville Road (SR 3017) for a distance of 127.53 feet to a point;**

**(2) N 33° 4' 30" W along the center line of Weaversville Road (SR 3017) for a distance of 277.49 feet to a point;**

**(3) N 36° 11' 04" W along the center line of Weaversville Road (SR 3017) for a distance of 181.18 feet to a point;**

**(4) N 38° 35' 58" W along the center line of Weaversville Road (SR 3017) for a distance of 61.01 feet to a point;**

**(5) N 40° 01' 40" W along the center line Weaversville Road (SR 3017) for a distance of 272.92 feet to a point;**

**(6) S 86° 18' 05" E along the dividing line between the parcel herein described and lands now or formerly of Northampton County for a distance of 725.29 feet to a point;**

**(7) thence along the dividing line between the parcel herein described and lands now or formerly of Northampton County through a curve to the left with an arc distance of 602.00 feet, a radius of 1945.10 feet, and a chord bearing of N 84° 49' 56" E for a distance of 599.60 feet to an iron pin;**

**(8) S 03° 41' 50" along the dividing line between the parcel herein described and lands now or formerly of East Allen Township for a distance of 250.63 feet to an iron pin;**

**(9) N 90° 00' 00" E along the dividing line between the parcel herein described and lands now or formerly of East Allen Township for a distance of 100.21 feet to an iron pin;**

(10) *S 03° 48' 04" E along the dividing line between the parcel herein described and lands now or formerly of East Allen Township and of N/F Paul S. Evans, Jr. for a distance of 491.64 feet to a point on the center line of Colony Drive;*

(11) *S 89° 45' 05" W along the center line of Colony Drive for a distance of 921.11 feet to a point on the center line of Weaversville Road (SR 3017), said point being the point of BEGINNING.*

*CONTAINING 18.14-acres as per survey and major subdivision of Kurtanich Engineers & Associates, Inc., Hermitage, PA, titled Final Plan Allentown State Farm, dated March 10, 1997 and revised June 1, 1998, Drawing No. K-97-940-08 and being Parcel VIII on said Final Plan recorded to Instrument No. 1998024534.*

*UNDER AND SUBJECT TO the rights of a hundred foot (100' easement provided to East Allen Township by deed dated September 11, 1995 and recorded January 18, 1996 in the Recorder of Deeds of Northampton County in Deed Book Volume 1996-1, Page 5015, and being Instrument Number 1996001683.*

*BEING Tax Parcel ID: 5060-18-0679-5193*

*ALSO BEING a portion of the same premises conveyed to the Commonwealth of Pennsylvania in Deed Book H63, Page 256.*

(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) *Gaming restriction.—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 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 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) *Deed of conveyance.—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 and fees.—Costs and fees incidental to this conveyance shall be borne by the grantee.*

(g) *Alternate disposition.—In the event that the conveyance is not completed within two years of the effective date of this section, the Department of General Services may sell the property in accordance with section 2405-A of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929.*

*Section 14.4. Conveyance in Tunkhannock Township, Wyoming County.*

(a) *Authorization.—*



*(1) Subject to paragraph (2), the Department of General Services, with the approval of the Department of Agriculture and the Governor, is authorized on behalf of the Commonwealth to grant and convey to D&I Silica, LLC, or its assigns, an egress easement through lands of this Commonwealth at the Tunkhannock regional office of the Department of Agriculture situate in the Township of Tunkhannock, Wyoming County, under terms, conditions and for consideration equal to fair market value acceptable to the Secretary of General Services.*

*(2) Granting of this easement is contingent upon a stipulated agreement between the grantee and the Wyoming County Commissioners, and approved by the Court of Common Pleas of Wyoming County.*

*(b) Description.—The egress easement to be conveyed pursuant to section 1 totals approximately 0.74 acres bounded and more particularly described as follows:*

*ALL that certain piece or parcel of land situated in the Township of Tunkhannock, County of Wyoming and Commonwealth of Pennsylvania, more particularly bound and described as follows:*

*BEGINNING at a point situate at the intersection of the common boundary line of lands now or formerly of J. Stark Bartron, II & Jane D. Bartron, His Wife as described in Record Book 282 at Page 440 and lands now or formerly of the General State Authority as described in Record Book 256 at Page 795 and Deed Book 178 at Page 676, said point being in the westerly right-of-way line of State Highway Route 92 (S.R. 0092).*

*Thence along the westerly right-of-way line of State Route 92, South 05° 40' East a distance of 57.68' more or less to a point;*

*Thence through lands now or formerly of the General State Authority, South 84° 10' 09" West a distance of 253.98' more or less to a point;*

*Thence through the same, South 75° 47' 00" West a distance of 739.44' to a point;*

*Thence through the same, South 51° 44' 36" West a distance of 143.39' to a point in the easterly line of lands now or formerly of Lehigh Valley Railroad;*

*Thence along lands now or formerly of Lehigh Valley Railroad, North 31° 13' 00" West a distance of 82.00' to a common corner of lands now or formerly of J. Stark Bartron, II & Jane D. Bartron and lands now or formerly of the General State Authority;*

*Thence along lands now or formerly of J. Stark Bartron, II & Jane D. Bartron, North 75° 47' 00" East a distance of 1154.20' to a point in the westerly right-of-way line of State Highway Route 92, the place of BEGINNING.*

*CONTAINING a total area of 32,096 square feet or 0.74 acres of land, more or less.*

*BEING all of the Access Easement through lands of the General State Authority as described in Wyoming County Record Book 276 at Page 795 and Deed Book 178 at Page 676.*

*ALSO BEING all of the Access Easement as depicted in EX-1, dated September 10, 2014 as prepared by Pennoni Associates, Inc., 100 North*

*Wilkes-Barre Boulevard, Suite 409, Wilkes-Barre, PA 18702. Said plan on file with the Department of General Services.*

*(c) Adjustments.—The legal description in subsection (b) is preliminary and minor adjustments can be made to the final description with the prior written consent of the secretary.*

*(d) Execution.—The easement agreement shall be executed by the secretary in the name of the Commonwealth.*

*(e) Costs and fees.—Costs and fees incidental to the conveyance of the easement shall be borne by the grantee.*

*(f) Proceeds.—The Department of General Services shall utilize the proceeds from the conveyance to reimburse itself for costs and fees it incurred as a result of this conveyance. Any money remaining after reimbursement to the Department of General Services shall be deposited into the Agricultural Farm Operations Account.*

*(g) Expiration.—If the parties have not entered into an easement agreement within one year of the effective date of this section, the authorization contained in this section shall expire.*

Section 4. This act shall take effect as follows:

- (1) The following provisions shall take effect immediately:
  - (i) Section 1 of this act.
  - (ii) Section 2 of this act.
  - (iii) This section.
  - (iv) The addition of sections 14.3 and 14.4 of the act.
- (2) The remainder of this act shall take effect in 60 days.

APPROVED—The 22nd day of October, A.D. 2014

TOM CORBETT