
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1953 Session of
2015

INTRODUCED BY SCHLEGEL CULVER, APRIL 5, 2016

REFERRED TO COMMITTEE ON STATE GOVERNMENT, APRIL 5, 2016

AN ACT

1 Authorizing the Department of General Services, with the
2 approval of the Pennsylvania Historical and Museum Commission
3 and the Governor, to grant and convey to the Warrior Run-Fort
4 Freeland Heritage Society certain lands situate in Delaware
5 Township, Northumberland County.

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

8 Section 1. Authorization for conveyance.

9 The Department of General Services, with the approval of the
10 Pennsylvania Historical and Museum Commission and the Governor,
11 is hereby authorized on behalf of the Commonwealth to grant and
12 convey to the Warrior Run-Fort Freeland Heritage Society certain
13 lands and any improvements thereon described under section 2,
14 the property being known locally as the historic Warrior Run
15 Church and Cemetery situate in Delaware Township, Northumberland
16 County, for \$1.

17 Section 2. Property description.

18 The property to be conveyed under section 1 consists of 3.46
19 acres and any improvements located thereon, more particularly
20 described as follows:

1 ALL THAT CERTAIN tract of land situate in Delaware Township,
2 Northumberland County, Pennsylvania, bounded and described as
3 follows, to wit:

4 BEGINNING at a point which is the intersection of the west
5 side of the right-of-way of State Highway Route No.18 and the
6 north side of the right-of-way of State Highway Route 49-061;
7 thence north 17 degrees forty minutes east a distance of 249.0
8 feet to a point; thence north 72 degrees, 20 minutes west a
9 distance of 15.0 feet to a point; thence north 17 degrees, 40
10 minutes east a distance of 74.65 feet to a point; thence south
11 86 degrees, 33 minutes west a distance of 640.1 feet to a point
12 in the centerline of L. R. 49099, thence south 3 degrees, 27
13 minutes east along said centerline a distance of 66.0 feet to a
14 point; thence north 86 degrees, 33 minutes east a distance of
15 102.3 feet to a point; thence south 3 degrees, 27 minutes east a
16 distance of 144.3 feet to a point; thence south 80 degrees, 50
17 minutes east a distance of 446.9 feet to the place of BEGINNING.

18 CONTAINING 3.46 acres more or less;

19 HAVING ERECTED THEREON a church known as the Warrior Run
20 Church, a cemetery and other improvements.

21 BEING the same tract of land acquired by the Commonwealth of
22 Pennsylvania, from the Presbytery of Northumberland, Inc., by
23 deed dated April 15, 1970 and recorded April 28, 1971 in the
24 Office of the Recorder of Deeds of Northumberland County,
25 Pennsylvania, in Deed Book 493, Page 1. (A corrective deed dated
26 June 1, 1971, was recorded June 10, 1971 in the Office of the
27 Recorder of Deeds of Northumberland County, Pennsylvania, in
28 Deed Book 493, Page 917, for the purpose of correcting the
29 aforesaid DB 493, P 1, which erroneously referred to the
30 location of the above recited property as Turbot Township, which

1 was the former name of the present township known as Delaware
2 Township.)

3 BEING Tax Parcel Nos. 021-00-011-020 and 021-00-011-021.

4 Section 3. Requirement for conveyance.

5 The conveyance authorized under this act shall be made under
6 and subject to all lawful and enforceable easements, servitudes
7 and rights of others, including, but not limited to, streets,
8 roadways and rights of any telephone, telegraph, water,
9 electric, gas or pipeline companies, as well as under and
10 subject to any lawful and enforceable estates or tenancies
11 vested in third persons appearing of record, for any portion of
12 the land or improvements erected thereon.

13 Section 4. Condition.

14 Any conveyance authorized under this act shall be made under
15 and subject to the condition, which shall be contained in the
16 deed of conveyance, that no portion of the property conveyed
17 shall be used as a licensed facility, as defined under 4 Pa.C.S.
18 § 1103 (relating to definitions), or any other similar type of
19 facility authorized under State law. The condition shall be a
20 covenant running with the land and shall be binding upon the
21 grantee and its successors. Should the grantee, or its
22 successors, permit any portion of the property authorized to be
23 conveyed in this act to be used in violation of this section,
24 the title shall immediately revert to and re-vest in the grantor.

25 Section 5. Restrictive covenants.

26 The following restrictive covenants shall be included in the
27 deed of conveyance:

28 Declaration of Restrictive Covenants for Historic Preservation

29 Warrior Run Church and Cemetery Delaware Township,

30 Northumberland County, Pennsylvania

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

9 (A) Maintenance and Preservation. The Warrior
10 Run Church and Cemetery shall be maintained and
11 preserved as a historic site accessible by the public
12 and for a demonstrable public benefit with
13 maintenance and preservation standards acceptable to
14 the Pennsylvania Historical and Museum Commission.

15 (B) Historic Structures. The Warrior Run Church
16 and Cemetery, historic structures and buildings that
17 comprise the property, shall be maintained and
18 preserved in accordance with the Secretary of the
19 Interior's Standards for the Treatment of Historic
20 properties.

21 (C) Landscape. The landscape of the Warrior Run
22 Church and Cemetery shall be preserved in a manner
23 consistent with the historic characteristics of the
24 subject property and shall not be used in any manner
25 that would impair or interfere with the historic
26 interpretation of the subject property. The Grantee,
27 its successor and assigns shall not disturb and shall
28 maintain the graves/memorials. This covenant shall be
29 binding on the Grantee, its successors and assigns in
30 perpetuity.

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

9 (E) Alterations/Modifications/Repairs. With the
10 prior written approval of the Pennsylvania Historical
11 and Museum Commission, alterations, modifications,
12 repairs or other work may be permitted to the subject
13 property, provided:

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

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

23 (F) Archeology and Other Ground Disturbing
24 Activities. Mining, excavating, dredging or removing
25 from the subject property any natural resource which
26 removal would alter the historic value of the
27 property is prohibited without the prior written
28 approval of the Commission. Archeological
29 investigation may be required by the Commission for
30 any ground disturbing work and Grantee shall bear

1 full financial responsibility for any such work. The
2 following shall apply:

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

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

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

23 (3) Right of Reverter. The Commonwealth of Pennsylvania,
24 by and through the Pennsylvania Historical and Museum
25 Commission, hereby reserves for itself, heirs, successors and
26 assigns, a right of reverter on the Warrior Run Church and
27 Cemetery, which shall revert to and reinvest in the
28 Commonwealth by operation of law should any sale, transfer,
29 or use of the Warrior Run Church and Cemetery be inconsistent
30 with or in violation of the restrictions contained herein.

1 The Commission may waive this provision provided Grantee
2 petitions the Commission, in writing, for such waiver.

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

8 (5) Duration. These restrictive covenants for historic
9 preservation shall be binding in perpetuity on Grantee, its
10 heirs, administrators, successors, and assigns and shall be
11 applicable to both the land and buildings and shall be deemed
12 to run with the land.

13 Section 6. Deed.

14 The deed of conveyance shall be executed by the Secretary of
15 General Services in the name of the Commonwealth of
16 Pennsylvania.

17 Section 7. Costs and fees.

18 Costs and fees incidental to this conveyance shall be borne
19 by the grantee.

20 Section 8. Expiration.

21 If the conveyance authorized under this act is not
22 effectuated within one year of the effective date of this act,
23 the authority provided under this act shall expire.

24 Section 9. Effective date.

25 This act shall take effect immediately.