
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1990 Session of
2015

INTRODUCED BY MAJOR, HELM, YOUNGBLOOD, PICKETT, MILLARD,
D. COSTA, DIGIROLAMO, EVERETT AND WARD, APRIL 12, 2016

REFERRED TO COMMITTEE ON STATE GOVERNMENT, APRIL 12, 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 Associate Members of
4 Old Mill Village Museum, Inc., certain lands situate in New
5 Milford Township, Susquehanna 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 Associate Members of Old Mill Village Museum, Inc.,
13 certain lands and any improvements thereon described under
14 section 2, the property being known locally as the historic Old
15 Mill Village, situate in New Milford Township, Susquehanna
16 County, for \$1.

17 Section 2. Property description.

18 The property to be conveyed under section 1 consists of
19 29.10-acres, including any improvements located thereon, more

1 particularly described as follows:

2 TRACT 1

3 ALL THAT CERTAIN piece, parcel, and lot of land situate in
4 New Milford Township, Susquehanna County, Pennsylvania and shown
5 upon a plan entitled Boundary Survey on Lands of Commonwealth of
6 Pennsylvania Old Mill Village, prepared by the Larson Design
7 Group, file 5075-037, dated February 25, 2015; bounded and
8 described as follows:

9 BEGINNING at a point in the center of Meylert Creek and on
10 the northern line of lands of Charles M. and Mary Ann Jorgenson
11 and also being the southwest corner of the parcel herein
12 described; thence from the point and place of beginning and
13 along the center of said creek, also being the southern line of
14 other lands of the Commonwealth of Pennsylvania, North 07
15 degrees 15 minutes 15 seconds East, 70.20 feet to a point in
16 center of aforesaid creek; thence along the southern line of
17 other lands of the Commonwealth of Pennsylvania, North 60
18 degrees 32 minutes 03 seconds East, 142.29 feet to an existing
19 steel pin on the northern line of lands of Charles M. and Mary
20 Ann Jorgenson; thence along the northern line of lands of
21 aforesaid Jorgenson, South 43 degrees 33 minutes 08 seconds
22 West, (passing through an existing steel pin and cap in concrete
23 at 146.06 feet) 192.66 feet to the point and place of BEGINNING.

24 CONTAINING 0.0919 acres.

25 BEING Tax Parcel No. 109.00-1,077.00

26 TRACT 2

27 ALL THAT CERTAIN piece, parcel, and lot of land situate in
28 New Milford Township, Susquehanna County, Pennsylvania and shown
29 upon a plan entitled Boundary Survey on Lands of Commonwealth of
30 Pennsylvania Old Mill Village, prepared by the Larson Design

1 Group, file 5075-037, dated February 25, 2015; bounded and
2 described as follows:

3 BEGINNING at a point in the centerline of Pennsylvania State
4 Route 0848, said point being on the southern line of lands of
5 Steven and Ruth M. Roman and also being the northwest corner of
6 the parcel herein described; thence from the point and place of
7 beginning and along the southern line of lands of aforesaid
8 Roman, North 86 degrees 09 minutes 53 seconds East, (passing
9 through a set steel pin in concrete at 26.11 feet) 1822.89 feet
10 to an existing nail in stones at the northern corner of lands of
11 Byron and Renee Sands; thence along the northern line of lands
12 of aforesaid Sands and lands of Mark D. and Christine E. Jones,
13 South 43 degrees 31 minutes 27 seconds West, 945.31 feet to an
14 existing steel pin at the northern corner of lands of Martha A.
15 and Jeffrey W. Broad and lands of James P. Yeich; thence along
16 the northern line of lands of aforesaid Yeich, South 43 degrees
17 04 minutes 17 seconds West, 773.84 feet to an existing steel pin
18 and cap at the northern corner of lands of Charles M. and Mary
19 Ann Jorgenson; thence along the northern line of lands of
20 aforesaid Jorgenson, South 43 degrees 33 minutes 08 seconds
21 West, 107.39 feet to an existing steel pin at the northeast
22 corner of other lands of the Commonwealth of Pennsylvania (Tax
23 Parcel No. 109.00-1,077.00); thence along the northern line of
24 other lands of the Commonwealth of Pennsylvania the two
25 following courses and distances:

26 1. South 60 degrees 32 minutes 03 seconds West, 142.29
27 feet to a point in the center of Meylert Creek;

28 2. Thence along the center of Meylert Creek, South 07
29 degrees 15 minutes 15 seconds West, 70.20 feet to a point on the
30 northern line of lands of Charles M. and Mary Ann Jorgenson

1 Thence along the northern line of lands of aforesaid
2 Jorgenson and passing through Pennsylvania State Route 0848
3 right of way, South 28 degrees 49 minutes 56 seconds West, 37.28
4 feet to a point in the centerline of aforesaid State Route 0848,
5 said point being located in existing bridge deck; thence along
6 the centerline of Pennsylvania State Route 0848 the seven
7 following courses and distances:

8 1. North 18 degrees 15 minutes 33 seconds West, 279.13
9 feet to a point;

10 2. By a curve to the right with a radius of 4,369.01
11 feet, an arc length of 303.12 feet, a delta angle of 03 degrees
12 58 minutes 31 seconds, and a chord of North 16 degrees 16
13 minutes 18 seconds West, 303.06 feet to a point;

14 3. North 14 degrees 17 minutes 02 seconds West, 128.82
15 feet to a point;

16 4. By a curve to the left with a radius of 4,970.80 feet,
17 an arc length of 188.75 feet, a delta angle of 02 degrees 10
18 minutes 32 seconds, and a chord of North 15 degrees 22 minutes
19 19 seconds West, 188.74 feet to a point;

20 5. North 16 degrees 27 minutes 31 seconds West, 436.50
21 feet to a point;

22 6. By a curve to the left with a radius of 1,280.66 feet,
23 an arc length of 92.68 feet, a delta angle of 04 degrees 08
24 minutes 47 seconds, and a chord of North 18 degrees 31 minutes
25 55 seconds West, 92.66 feet to a point;

26 7. North 20 degrees 36 minutes 36 seconds West, 4.32 feet
27 to the point and place of BEGINNING.

28 CONTAINING 29.0116 acres.

29 SUBJECT to the eastern half of Pennsylvania State Route 0848
30 right of way.

1 BEING Tax Parcel No. 109.00-1,079.00

2 THE ABOVE DESCRIBED TRACTS collectively being the same pieces
3 or parcels of land acquired by the Commonwealth of Pennsylvania,
4 pursuant to Declaration of Taking, filed in the Office of the
5 Prothonotary of the Court of Common Pleas of Susquehanna County
6 on December 17, 1970, at No. 149 January Term 1971, with a
7 notice of the Declaration of Taking recorded at the Office of
8 the Recorder of Deeds of Susquehanna County at Deed Book 335,
9 Page 343.

10 Section 3. Requirement for conveyance.

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

19 Section 4. Condition.

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

1 Section 5. Restrictive covenants.

2 The following restrictive covenants shall be included in the
3 deed of conveyance:

4 The Old Mill Village property was developed with grant funds
5 provided by the Pennsylvania Department of Conservation and
6 Natural Resources (hereafter referred to as "the department").
7 The source of the funds is the Environmental Stewardship Fund
8 established by the Environmental Stewardship and Watershed
9 Protection Act, 27 Pa.C.S. § 6101 - 6119 (hereafter known as
10 "the act"). This property, or any portion of it, may not be
11 converted to purposes other than those authorized under the act.
12 The Pennsylvania Historical and Museum Commission's
13 responsibilities established under Article XVIII
14 (Acknowledgement of Assistance), Article XIX (Maintenance and
15 Open Use Responsibilities), Article XX (Nondiscrimination
16 Regarding Access/Residency); and Article XXI (Ownership and
17 Control; Non-Conversion of Use) of the department grant
18 agreement shall be performed by the grantee in perpetuity.
19 Declaration of Restrictive Covenants for Historic Preservation
20 for Old Mill Village New Milford Township, Susquehanna County,
21 Pennsylvania.

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

30 (A) Maintenance and Preservation. Old Mill

1 Village shall be maintained and preserved as a
2 historic site accessible by the public and for a
3 demonstrable public benefit with maintenance and
4 preservation standards acceptable to the Pennsylvania
5 Historical and Museum Commission.

6 (B) Historic Structures. Old Mill Village, the
7 historic structures and buildings that comprise the
8 property, shall be maintained and preserved in
9 accordance with the Secretary of the Interior's
10 Standards for the Treatment of Historic Properties.

11 (C) Landscape. The landscape of Old Mill Village
12 shall be preserved in a manner consistent with the
13 historic characteristics of the subject property and
14 shall not be used in any manner that would impair or
15 interfere with the historic interpretation of the
16 subject property.

17 (D) Prohibited Uses. No construction,
18 alteration, rehabilitation, remodeling, demolition,
19 site development, ground disturbance, removal of
20 buildings, addition of buildings, or use inconsistent
21 with the covenants herein, or any other action, shall
22 be undertaken or permitted to the subject property
23 without the prior written approval of the
24 Pennsylvania Historical and Museum Commission.

25 (E) Alterations/Modifications/Repairs. With the
26 prior written approval of the Pennsylvania Historical
27 and Museum Commission, alterations, modifications,
28 repairs or other work may be permitted to the subject
29 property, provided:

30 (I) Notice. Timely notice shall be afforded

1 to the Commission in advance of any such
2 requested work on the subject property.

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

9 (F) Archeology and other Ground Disturbing
10 Activities. Mining, excavating, dredging or removing
11 from the subject property any natural resource which
12 removal would alter the historic value of the
13 property is prohibited without the prior written
14 approval of the Commission. Archeological
15 investigation may be required by the Commission for
16 any ground disturbing work and Grantee shall bear
17 full financial responsibility for any such work. The
18 following shall apply:

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

25 (II) Standards for Archeology. Any
26 archeological work conducted on the subject
27 property shall be performed in accordance with
28 the Secretary of the Interior's Standards and
29 Guidelines for Archeological Documentation and
30 any further standards and guidelines the

1 Commission may require.

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

9 (3) Right of Reverter. The Commonwealth of Pennsylvania,
10 by and through the Pennsylvania Historical and Museum
11 Commission, hereby reserves for itself, heirs, successors and
12 assigns, a right of reverter on Old Mill Village, which shall
13 revert to and reinvest in the Commonwealth by operation of
14 law should any sale, transfer, or use of Old Mill Village be
15 inconsistent with or in violation of the restrictions
16 contained herein. The Commission, with the concurrence of
17 the Department of Conservation and Natural Resources, may
18 waive this provision provided Grantee petitions the
19 Commission, in writing, for such waiver.

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

25 (5) Duration. These restrictive covenants for historic
26 preservation shall be binding in perpetuity on Grantee, its
27 heirs, administrators, successors, and assigns and shall be
28 applicable to both the land and buildings and shall be deemed
29 to run with the land.

30 Section 6. Deed.

1 The deed of conveyance shall be executed by the Secretary of
2 General Services in the name of the Commonwealth of
3 Pennsylvania.

4 Section 7. Costs and fees.

5 Costs and fees incidental to this conveyance shall be borne
6 by the grantee.

7 Section 8. Expiration.

8 If the conveyance authorized under this act is not
9 effectuated within one year of the effective date of this act,
10 the authority provided under this act shall expire.

11 Section 9. Effective date.

12 This act shall take effect immediately.