

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1990 Session of 2015

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

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, MAY 17, 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")~~. PROJECT 70 "LAND ACQUISITION AND BORROWING ACT," <--

11 SECTION 20(B) OF WHICH ACT PROVIDES AS FOLLOWS:

12 "NO LANDS ACQUIRED WITH FUNDS MADE AVAILABLE UNDER THIS ACT  
13 SHALL BE DISPOSED OF OR USED FOR PURPOSES OTHER THAN THOSE  
14 PRESCRIBED IN THIS ACT WITHOUT THE EXPRESS APPROVAL OF THE  
15 GENERAL ASSEMBLY: PROVIDED, THAT THE COMMONWEALTH OR A  
16 POLITICAL SUBDIVISION, AS THE OWNER OF SUCH LANDS, MAY ISSUE  
17 PERMITS, LICENSES OR LEASES FOR THE EXPLORATION, DEVELOPMENT,  
18 STORAGE AND REMOVAL OF OIL, GAS OR OTHER MINERALS, OR FOR THE  
19 INSTALLATION AND USE OF WATER, GAS, ELECTRIC, TELEPHONE,  
20 TELEGRAPH, OIL OR OIL PRODUCT LINES, UNDER THE REASONABLE  
21 REGULATIONS PRESCRIBED BY THE OWNER CONSISTENT WITH THE  
22 PRIMARY USE OF SUCH LANDS FOR 'RECREATION, CONSERVATION AND  
23 HISTORICAL PURPOSES.'"

24 This property, or any portion of it, may not be converted to  
25 purposes other than those authorized under the act. The  
26 Pennsylvania Historical and Museum Commission's responsibilities  
27 established under Article XVIII (Acknowledgement of Assistance),  
28 Article XIX (Maintenance and Open Use Responsibilities), Article  
29 XX (Nondiscrimination Regarding Access/Residency); and Article  
30 XXI (Ownership and Control; Non-Conversion of Use) of the

1 department grant agreement shall be performed by the grantee in  
2 perpetuity.

3 Declaration of Restrictive Covenants for Historic Preservation  
4 for Old Mill Village New Milford Township, Susquehanna County,  
5 Pennsylvania.

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

14 (A) Maintenance and Preservation. Old Mill  
15 Village shall be maintained and preserved as a  
16 historic site accessible by the public and for a  
17 demonstrable public benefit with maintenance and  
18 preservation standards acceptable to the Pennsylvania  
19 Historical and Museum Commission.

20 (B) Historic Structures. Old Mill Village, the  
21 historic structures and buildings that comprise the  
22 property, shall be maintained and preserved in  
23 accordance with the Secretary of the Interior's  
24 Standards for the Treatment of Historic Properties.

25 (C) Landscape. The landscape of Old Mill Village  
26 shall be preserved in a manner consistent with the  
27 historic characteristics of the subject property and  
28 shall not be used in any manner that would impair or  
29 interfere with the historic interpretation of the  
30 subject property.

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 the covenants herein, or any other action, shall  
6 be 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 Old Mill Village, which shall  
27 revert to and reinvest in the Commonwealth by operation of  
28 law should any sale, transfer, or use of Old Mill Village be  
29 inconsistent with or in violation of the restrictions  
30 contained herein. The Commission, with the concurrence of

1 the Department of Conservation and Natural Resources, may  
2 waive this provision provided Grantee petitions the  
3 Commission, in writing, for such waiver.

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

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

14 Section 6. Deed.

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

18 Section 7. Costs and fees.

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

21 Section 8. Expiration.

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

25 Section 9. Effective date.

26 This act shall take effect immediately.