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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 2003 Session of  
2015

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INTRODUCED BY CUTLER, APRIL 19, 2016

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REFERRED TO COMMITTEE ON STATE GOVERNMENT, APRIL 19, 2016

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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 Southern  
4 Lancaster County Historical Society certain lands situate in  
5 Fulton Township, Lancaster County.

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

8 Section 1. 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 Southern Lancaster County Historical Society  
13 certain lands and any improvements thereon described under  
14 section 2, the property being known locally as the historic  
15 Robert Fulton Birthplace, situate in Fulton Township, Lancaster  
16 County, for \$1.

17 Section 2. Property description.

18 The property to be conveyed under section 1 consists of  
19 60.357 acres and any improvements located thereon, more  
20 particularly described as follows:

1 ALL THAT CERTAIN parcel of land comprised of various tracts  
2 of land better known as the Robert Fulton Birthplace property,  
3 situated in the Township of Fulton, Lancaster County,  
4 Pennsylvania as depicted on a plat titled Robert Fulton  
5 Birthplace Boundary Survey, Commonwealth of Pennsylvania,  
6 prepared by Brehm-Lebo Engineering, Inc., Carlisle,  
7 Pennsylvania, dated June 24, 2015 bounded and described as  
8 follows:

9 BEGINNING at a set mag nail in the Robert Fulton Highway (SR-  
10 0222) at the lands of Daniel L. and Fannie K. Miller and at the  
11 southeast corner of lands of the Solanco School District, thence  
12 along the lands of Miller and running in SR-0222 South 22° 49'  
13 11" West 129.04' to a set mag nail; thence continuing along the  
14 same and leaving SR-0222 South 10° 24' 00" East 51.59' to an  
15 existing iron pin; thence along the same North 73° 07' 50" East  
16 35.68' to an iron pin set; thence along the same South 16° 43'  
17 10" East 244.91' to an iron pin set; thence along the same South  
18 64° 34' 12" West 64.62' to an iron pin set; thence along the  
19 same South 10° 24' 00" East 323.46' to an iron pin set; thence  
20 along the same and the lands of George H. and Veronica E. Snyder  
21 and the lands of James N. and Sandra L. Sensenig South 41° 52'  
22 28" East 1600.70' to an existing railroad spike in the center of  
23 Fulton Inn Road (T-339); thence running in and through Fulton  
24 Inn Road (T-339) South 78° 12' 57" West 674.27' to an existing  
25 railroad spike; thence leaving Fulton Inn Road (T-339) and along  
26 lands of unknown ownership North 23° 17' 34" East 34.71' to an  
27 iron pin set; then continuing along the latter and the lands of  
28 Elam K. and Lavina Miller and crossing the Robert Fulton Highway  
29 (SR-0222) North 61° 03' 39" West 1033.00 to an iron pin set;  
30 thence continuing along the latter North 61° 23' 22" West

1 1056.56' to an existing hickory snag at the corner of the lands  
2 of Christ E. and Sadie E. Stoltzfus; thence along the lands of  
3 Stoltzfus North 11° 57' 33" East 561.00' to a point in an  
4 unnamed stream; thence continuing along the latter North 18° 57'  
5 33" East 681.45' to an iron pin set on the southern edge of  
6 Swift Road (T-468); thence continuing along the latter in and  
7 along Swift Road South 58° 32' 27" East 232.65' to a set mag  
8 nail; thence continuing along the latter and leaving Swift Road  
9 North 15° 05' 15" East 195.32' to an iron pin set at the  
10 southwest corner of lands of the Solanco School District; thence  
11 along the latter South 73° 13' 05" East 792.33' to a set mag  
12 nail in the Robert Fulton Highway (SR-0222), the place of  
13 BEGINNING.

14 CONTAINING 60.357 acres or 2629130 SF.

15 BEING Parcel Nos. 280-22818-0-0000 & 280-02561-0-0000

16 BEING the same piece of parcel of land acquired by the  
17 Commonwealth of Pennsylvania (DGS), from Donald Miller Goss and  
18 Maria A. Goss, husband and wife, by deed dated March 1, 1982,  
19 recorded April 6, 1982 in Record Book I, Volume 84, Page 329 in  
20 the Office of the Recorder of Deeds of Lancaster County.

21 ALSO BEING the same piece or parcel acquired by the  
22 Commonwealth of Pennsylvania (PHMC), from Fulton Township, by  
23 deed dated February 6, 1979, recorded July 10, 1979 in Record  
24 Book Volume Q, Volume 77, Page 357 in the Office of the Recorder  
25 of Deeds of Lancaster County.

26 ALSO BEING the same piece or parcel of land acquired by the  
27 General State Authority, from the Commonwealth of Pennsylvania,  
28 Department of Property and Supplies, by deed dated November 12,  
29 1968, recorded December 5, 1968, in the Office of the Recorder  
30 of Deeds of Lancaster County in Record Book L, Volume 58, Page

1 587.

2 The Department of General Services is the successor to the  
3 Department of Property and Supplies and the General State  
4 Authority pursuant to Act 45 of 1975. (Said tract being part of  
5 the premises acquired by Declaration of Takings recited below  
6 and recorded at Record Book X, Volume 54, Page 663 and Record  
7 Book X, Volume 54, Page 661.)

8 ALSO BEING the same piece or parcel of land acquired by the  
9 Commonwealth of Pennsylvania, pursuant to Declaration of Taking,  
10 filed in the Office of the Prothonotary of the Court of Common  
11 Pleas of Lancaster County on August 25, 1965, at No. 93 August  
12 Term 1965, with a notice of the Declaration of Taking recorded  
13 at the Office of the Recorder of Deeds of Lancaster County at  
14 Record Book X, Volume 54, Page 663.

15 ALSO BEING the same piece or parcel of land acquired by the  
16 Commonwealth of Pennsylvania, pursuant to Declaration of Taking,  
17 filed in the Office of the Prothonotary of the Court of Common  
18 Pleas of Lancaster County on August 25, 1965, at No. 94 August  
19 Term 1965, with a notice of the Declaration of Taking recorded  
20 at the Office of the Recorder of Deeds of Lancaster County at  
21 Record Book X, Volume 54, Page 661.

22 Section 3. Requirements for conveyance.

23 The conveyance shall be made under and subject to all lawful  
24 and enforceable easements, servitudes and rights of others,  
25 including, but not limited to, streets, roadways and rights of  
26 any telephone, telegraph, water, electric, gas or pipeline  
27 companies, as well as under and subject to any lawful and  
28 enforceable estates or tenancies vested in third persons  
29 appearing of record, for any portion of the land or improvements  
30 erected thereon.

1 Section 4. Condition.

2 Any conveyance authorized under this act shall be made under  
3 and subject to the condition, which shall be contained in the  
4 deed of conveyance, that no portion of the property conveyed  
5 shall be used as a licensed facility, as defined under 4 Pa.C.S.  
6 § 1103 (relating to definitions), or any other similar type of  
7 facility authorized under State law. The condition shall be a  
8 covenant running with the land and shall be binding upon the  
9 grantee and its successors. Should the grantee or its successors  
10 permit any portion of the property authorized to be conveyed in  
11 this act to be used in violation of this subsection, the title  
12 shall immediately revert to and revest in the grantor.

13 Section 5. Restrictive covenants.

14 The following restrictive covenants shall be included in the  
15 deed of conveyance:

16 Declaration of Restrictive Covenants for Historic Preservation  
17 Robert Fulton Birthplace  
18 Fulton Township, Lancaster County, Pennsylvania

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

27 (A) Maintenance and Preservation. The Robert  
28 Fulton Birthplace shall be maintained and preserved  
29 as a historic site accessible by the public and for a  
30 demonstrable public benefit with maintenance and

1 preservation standards acceptable to the Pennsylvania  
2 Historical and Museum Commission.

3 (B) Historic Structures. The Robert Fulton  
4 Birthplace, historic structures and buildings that  
5 comprise the property, shall be maintained and  
6 preserved in accordance with the Secretary of the  
7 Interior's Standards for the Treatment of Historic  
8 properties.

9 (C) Landscape. The landscape of the Robert  
10 Fulton Birthplace shall be preserved in a manner  
11 consistent with the historic characteristics of the  
12 subject property and shall not be used in any manner  
13 that would impair or interfere with the historic  
14 interpretation of the subject property.

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

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

28 (I) Notice. Timely notice shall be afforded  
29 to the Commission in advance of any such  
30 requested work on the subject property.

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

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

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

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

29                  (2) Inspection and Compliance. The Commonwealth of  
30                  Pennsylvania, by and through the Pennsylvania Historical and

1 Museum Commission, reserves the right to enforce these  
2 preservation restrictions and shall, at all reasonable times  
3 and upon reasonable notice, have access to the subject  
4 property for purposes of inspection and compliance with these  
5 historic preservation restrictions.

6 (3) Right of Reverter. The Commonwealth of Pennsylvania,  
7 by and through the Pennsylvania Historical and Museum  
8 Commission, hereby reserves for itself, heirs, successors and  
9 assigns, a right of reverter on the Robert Fulton Birthplace,  
10 which shall revert to and reinvest in the Commonwealth by  
11 operation of law should any sale, transfer, or use of the  
12 Robert Fulton Birthplace be inconsistent with or in violation  
13 of the restrictions contained herein. The Commission may  
14 waive this provision provided Grantee petitions the  
15 Commission, in writing, for such waiver.

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

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

26 Section 6. Execution.

27 The deed of conveyance shall be executed by the Secretary of  
28 General Services in the name of the Commonwealth of  
29 Pennsylvania.

30 Section 7. Costs and fees.



1 Costs and fees incidental to this conveyance shall be borne  
2 by the grantee.

3 Section 8. Expiration.

4 If the conveyance is not effectuated within one year of the  
5 effective date of this act, the authority under this act shall  
6 expire.

7 Section 9. Effective date.

8 This act shall take effect immediately.