

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2310 Session of
2014

INTRODUCED BY SONNEY, DAY, JAMES, LUCAS, MAJOR, MILLARD, MURT,
READSHAW, VEREB, KULA, BENNINGHOFF, ROAE, FLECK, BIZZARRO AND
BROOKS, JUNE 3, 2014

SENATOR SMUCKER, STATE GOVERNMENT, IN SENATE, AS AMENDED,
SEPTEMBER 23, 2014

AN ACT

1 ~~Authorizing~~ AMENDING THE ACT OF JULY 2, 2014 (P.L.881, NO.100), <--
2 ENTITLED "AN ACT AUTHORIZING THE DEPARTMENT OF GENERAL
3 SERVICES TO SURVEY CERTAIN LANDS AND BUILDINGS SITUATE PARTLY
4 IN THE CITY OF HARRISBURG AND PARTLY IN SUSQUEHANNA TOWNSHIP,
5 DAUPHIN COUNTY; AUTHORIZING THE DEPARTMENT OF TRANSPORTATION,
6 WITH THE APPROVAL OF THE GOVERNOR, TO GRANT AND CONVEY TO
7 EAST LIBERTY DEVELOPMENT CORPORATION CERTAIN LANDS AND
8 IMPROVEMENTS SITUATE IN THE CITY OF PITTSBURGH, ALLEGHENY
9 COUNTY; AUTHORIZING AND DIRECTING THE DEPARTMENT OF GENERAL
10 SERVICES, WITH THE APPROVAL OF THE DEPARTMENT OF MILITARY AND
11 VETERANS AFFAIRS AND THE GOVERNOR, TO GRANT AND CONVEY, AT A
12 PRICE TO BE DETERMINED THROUGH A COMPETITIVE BID PROCESS,
13 CERTAIN LANDS, BUILDINGS AND IMPROVEMENTS SITUATE IN THE CITY
14 OF PITTSBURGH, ALLEGHENY COUNTY, AND THE BOROUGH OF PINE
15 GROVE, SCHUYLKILL COUNTY; AUTHORIZING THE DEPARTMENT OF
16 GENERAL SERVICES, WITH THE APPROVAL OF THE GOVERNOR TO REMOVE
17 AND RELEASE THE RESTRICTIVE USE COVENANTS IMPOSED ON CERTAIN
18 REAL PROPERTY SITUATE IN THE BOROUGH OF BLOSSBURG, TIOGA
19 COUNTY; AUTHORIZING THE DEPARTMENT OF GENERAL SERVICES, WITH
20 THE APPROVAL OF THE DEPARTMENT OF LABOR AND INDUSTRY AND THE
21 GOVERNOR, TO GRANT AND CONVEY TO THE COATESVILLE AREA SENIOR
22 CENTER, OR ITS SUCCESSORS OR ASSIGNS, CERTAIN LANDS,
23 BUILDINGS AND IMPROVEMENTS SITUATE IN THE CITY OF
24 COATESVILLE, CHESTER COUNTY; AUTHORIZING THE DEPARTMENT OF
25 GENERAL SERVICES, WITH THE APPROVAL OF THE GOVERNOR, TO GRANT
26 AND CONVEY TO THE PHILADELPHIA TECHNICIAN TRAINING SCHOOL
27 CERTAIN LANDS SITUATE IN THE CITY OF PHILADELPHIA,
28 PHILADELPHIA COUNTY; AUTHORIZING THE DEPARTMENT OF GENERAL
29 SERVICES, WITH THE APPROVAL OF THE PENNSYLVANIA HISTORICAL
30 AND MUSEUM COMMISSION AND THE GOVERNOR, TO GRANT AND CONVEY
31 TO FORT LEOEUF HISTORICAL SOCIETY CERTAIN LANDS SITUATE IN

1 THE BOROUGH OF WATERFORD, ERIE COUNTY; AUTHORIZING AND
2 DIRECTING THE DEPARTMENT OF GENERAL SERVICES, WITH THE
3 APPROVAL OF MILLERSVILLE UNIVERSITY OF PENNSYLVANIA OF THE
4 STATE SYSTEM OF HIGHER EDUCATION AND THE GOVERNOR, TO GRANT
5 AND CONVEY TO PENN MANOR SCHOOL DISTRICT CERTAIN LANDS
6 SITUATE IN THE BOROUGH OF MILLERSVILLE, LANCASTER COUNTY, AND
7 FURTHER AUTHORIZING AND DIRECTING THE DEPARTMENT OF GENERAL
8 SERVICES TO ACCEPT, IN EXCHANGE, A CONVEYANCE OF CERTAIN
9 LANDS SITUATE IN THE BOROUGH OF MILLERSVILLE, LANCASTER
10 COUNTY, FROM THE PENN MANOR SCHOOL DISTRICT; AUTHORIZING THE
11 DEPARTMENT OF GENERAL SERVICES, WITH THE APPROVAL OF THE
12 GOVERNOR, TO REMOVE AND RELEASE THE RESTRICTIVE USE AND
13 REVERSIONARY COVENANTS IMPOSED ON CERTAIN REAL PROPERTY
14 SITUATE IN THE CITY OF SCRANTON, LACKAWANNA COUNTY; PARTIALLY
15 REMOVING AND RELEASING RESTRICTIVE USE COVENANTS ON CERTAIN
16 LANDS SITUATE IN BENNER TOWNSHIP, CENTRE COUNTY; AND
17 AUTHORIZING THE DEPARTMENT OF GENERAL SERVICES, WITH THE
18 APPROVAL OF THE ATTORNEY GENERAL AND THE CONCURRENCE OF THE
19 DEPARTMENT OF ENVIRONMENTAL PROTECTION, TO LEASE TO THE CITY
20 OF PHILADELPHIA LAND WITHIN THE BED OF THE DELAWARE RIVER
21 WITHIN THE CITY OF PHILADELPHIA," REENACTING PROVISIONS
22 AUTHORIZING the Department of General Services, with the
23 approval of the Pennsylvania Historical and Museum Commission
24 and the Governor, to grant and convey to the Fort LeBoeuf
25 Historical Society certain lands, known as Washington
26 Monument Park, Judson House and Fort LeBoeuf Museum, situate
27 in the Borough of Waterford, Erie County--; AUTHORIZING THE <--
28 DEPARTMENT OF GENERAL SERVICES, WITH THE APPROVAL OF THE
29 DEPARTMENT OF ENVIRONMENTAL PROTECTION AND THE GOVERNOR, TO
30 GRANT AND CONVEY TO CENTURA DEVELOPMENT CO., INC. A VACANT
31 PARCEL OF LAND SITUATE IN OLD LYCOMING TOWNSHIP, LYCOMING
32 COUNTY; AND AUTHORIZING THE DEPARTMENT OF GENERAL SERVICES,
33 WITH THE APPROVAL OF THE GOVERNOR, TO GRANT AND CONVEY TO THE
34 ERIE CONVENTION CENTER AUTHORITY, OR ITS ASSIGNS, AN INGRESS
35 AND EGRESS EASEMENT FROM LANDS OF THE COMMONWEALTH OF
36 PENNSYLVANIA AT THE WARNER THEATER HISTORICAL SITE SITUATE IN
37 THE CITY OF ERIE, ERIE COUNTY.

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

40 SECTION 1. THE TITLE OF THE ACT OF JULY 2, 2014 (P.L.881, <--
41 NO.100), ENTITLED "AN ACT AUTHORIZING THE DEPARTMENT OF GENERAL
42 SERVICES TO SURVEY CERTAIN LANDS AND BUILDINGS SITUATE PARTLY IN
43 THE CITY OF HARRISBURG AND PARTLY IN SUSQUEHANNA TOWNSHIP,
44 DAUPHIN COUNTY; AUTHORIZING THE DEPARTMENT OF TRANSPORTATION,
45 WITH THE APPROVAL OF THE GOVERNOR, TO GRANT AND CONVEY TO EAST
46 LIBERTY DEVELOPMENT CORPORATION CERTAIN LANDS AND IMPROVEMENTS
47 SITUATE IN THE CITY OF PITTSBURGH, ALLEGHENY COUNTY; AUTHORIZING
48 AND DIRECTING THE DEPARTMENT OF GENERAL SERVICES, WITH THE

1 APPROVAL OF THE DEPARTMENT OF MILITARY AND VETERANS AFFAIRS AND
2 THE GOVERNOR, TO GRANT AND CONVEY, AT A PRICE TO BE DETERMINED
3 THROUGH A COMPETITIVE BID PROCESS, CERTAIN LANDS, BUILDINGS AND
4 IMPROVEMENTS SITUATE IN THE CITY OF PITTSBURGH, ALLEGHENY
5 COUNTY, AND THE BOROUGH OF PINE GROVE, SCHUYLKILL COUNTY;
6 AUTHORIZING THE DEPARTMENT OF GENERAL SERVICES, WITH THE
7 APPROVAL OF THE GOVERNOR TO REMOVE AND RELEASE THE RESTRICTIVE
8 USE COVENANTS IMPOSED ON CERTAIN REAL PROPERTY SITUATE IN THE
9 BOROUGH OF BLOSSBURG, TIOGA COUNTY; AUTHORIZING THE DEPARTMENT
10 OF GENERAL SERVICES, WITH THE APPROVAL OF THE DEPARTMENT OF
11 LABOR AND INDUSTRY AND THE GOVERNOR, TO GRANT AND CONVEY TO THE
12 COATESVILLE AREA SENIOR CENTER, OR ITS SUCCESSORS OR ASSIGNS,
13 CERTAIN LANDS, BUILDINGS AND IMPROVEMENTS SITUATE IN THE CITY OF
14 COATESVILLE, CHESTER COUNTY; AUTHORIZING THE DEPARTMENT OF
15 GENERAL SERVICES, WITH THE APPROVAL OF THE GOVERNOR, TO GRANT
16 AND CONVEY TO THE PHILADELPHIA TECHNICIAN TRAINING SCHOOL
17 CERTAIN LANDS SITUATE IN THE CITY OF PHILADELPHIA, PHILADELPHIA
18 COUNTY; AUTHORIZING THE DEPARTMENT OF GENERAL SERVICES, WITH THE
19 APPROVAL OF THE PENNSYLVANIA HISTORICAL AND MUSEUM COMMISSION
20 AND THE GOVERNOR, TO GRANT AND CONVEY TO FORT LEBOEUF HISTORICAL
21 SOCIETY CERTAIN LANDS SITUATE IN THE BOROUGH OF WATERFORD, ERIE
22 COUNTY; AUTHORIZING AND DIRECTING THE DEPARTMENT OF GENERAL
23 SERVICES, WITH THE APPROVAL OF MILLERSVILLE UNIVERSITY OF
24 PENNSYLVANIA OF THE STATE SYSTEM OF HIGHER EDUCATION AND THE
25 GOVERNOR, TO GRANT AND CONVEY TO PENN MANOR SCHOOL DISTRICT
26 CERTAIN LANDS SITUATE IN THE BOROUGH OF MILLERSVILLE, LANCASTER
27 COUNTY, AND FURTHER AUTHORIZING AND DIRECTING THE DEPARTMENT OF
28 GENERAL SERVICES TO ACCEPT, IN EXCHANGE, A CONVEYANCE OF CERTAIN
29 LANDS SITUATE IN THE BOROUGH OF MILLERSVILLE, LANCASTER COUNTY,
30 FROM THE PENN MANOR SCHOOL DISTRICT; AUTHORIZING THE DEPARTMENT

1 OF GENERAL SERVICES, WITH THE APPROVAL OF THE GOVERNOR, TO
2 REMOVE AND RELEASE THE RESTRICTIVE USE AND REVERSIONARY
3 COVENANTS IMPOSED ON CERTAIN REAL PROPERTY SITUATE IN THE CITY
4 OF SCRANTON, LACKAWANNA COUNTY; PARTIALLY REMOVING AND RELEASING
5 RESTRICTIVE USE COVENANTS ON CERTAIN LANDS SITUATE IN BENNER
6 TOWNSHIP, CENTRE COUNTY; AND AUTHORIZING THE DEPARTMENT OF
7 GENERAL SERVICES, WITH THE APPROVAL OF THE ATTORNEY GENERAL AND
8 THE CONCURRENCE OF THE DEPARTMENT OF ENVIRONMENTAL PROTECTION,
9 TO LEASE TO THE CITY OF PHILADELPHIA LAND WITHIN THE BED OF THE
10 DELAWARE RIVER WITHIN THE CITY OF PHILADELPHIA," IS AMENDED TO
11 READ:

12 AN ACT

13 AUTHORIZING THE DEPARTMENT OF GENERAL SERVICES TO SURVEY CERTAIN
14 LANDS AND BUILDINGS SITUATE PARTLY IN THE CITY OF HARRISBURG
15 AND PARTLY IN SUSQUEHANNA TOWNSHIP, DAUPHIN COUNTY;
16 AUTHORIZING THE DEPARTMENT OF TRANSPORTATION, WITH THE
17 APPROVAL OF THE GOVERNOR, TO GRANT AND CONVEY TO EAST LIBERTY
18 DEVELOPMENT CORPORATION CERTAIN LANDS AND IMPROVEMENTS
19 SITUATE IN THE CITY OF PITTSBURGH, ALLEGHENY COUNTY;
20 AUTHORIZING AND DIRECTING THE DEPARTMENT OF GENERAL SERVICES,
21 WITH THE APPROVAL OF THE DEPARTMENT OF MILITARY AND VETERANS
22 AFFAIRS AND THE GOVERNOR, TO GRANT AND CONVEY, AT A PRICE TO
23 BE DETERMINED THROUGH A COMPETITIVE BID PROCESS, CERTAIN
24 LANDS, BUILDINGS AND IMPROVEMENTS SITUATE IN THE CITY OF
25 PITTSBURGH, ALLEGHENY COUNTY, AND THE BOROUGH OF PINE GROVE,
26 SCHUYLKILL COUNTY; AUTHORIZING THE DEPARTMENT OF GENERAL
27 SERVICES, WITH THE APPROVAL OF THE GOVERNOR TO REMOVE AND
28 RELEASE THE RESTRICTIVE USE COVENANTS IMPOSED ON CERTAIN REAL
29 PROPERTY SITUATE IN THE BOROUGH OF BLOSSBURG, TIOGA COUNTY;
30 AUTHORIZING THE DEPARTMENT OF GENERAL SERVICES, WITH THE

1 APPROVAL OF THE DEPARTMENT OF LABOR AND INDUSTRY AND THE
2 GOVERNOR, TO GRANT AND CONVEY TO THE COATESVILLE AREA SENIOR
3 CENTER, OR ITS SUCCESSORS OR ASSIGNS, CERTAIN LANDS,
4 BUILDINGS AND IMPROVEMENTS SITUATE IN THE CITY OF
5 COATESVILLE, CHESTER COUNTY; AUTHORIZING THE DEPARTMENT OF
6 GENERAL SERVICES, WITH THE APPROVAL OF THE GOVERNOR, TO GRANT
7 AND CONVEY TO THE PHILADELPHIA TECHNICIAN TRAINING SCHOOL
8 CERTAIN LANDS SITUATE IN THE CITY OF PHILADELPHIA,
9 PHILADELPHIA COUNTY; AUTHORIZING THE DEPARTMENT OF GENERAL
10 SERVICES, WITH THE APPROVAL OF THE PENNSYLVANIA HISTORICAL
11 AND MUSEUM COMMISSION AND THE GOVERNOR, TO GRANT AND CONVEY
12 TO FORT LEBOEUF HISTORICAL SOCIETY CERTAIN LANDS SITUATE IN
13 THE BOROUGH OF WATERFORD, ERIE COUNTY; AUTHORIZING AND
14 DIRECTING THE DEPARTMENT OF GENERAL SERVICES, WITH THE
15 APPROVAL OF MILLERSVILLE UNIVERSITY OF PENNSYLVANIA OF THE
16 STATE SYSTEM OF HIGHER EDUCATION AND THE GOVERNOR, TO GRANT
17 AND CONVEY TO PENN MANOR SCHOOL DISTRICT CERTAIN LANDS
18 SITUATE IN THE BOROUGH OF MILLERSVILLE, LANCASTER COUNTY, AND
19 FURTHER AUTHORIZING AND DIRECTING THE DEPARTMENT OF GENERAL
20 SERVICES TO ACCEPT, IN EXCHANGE, A CONVEYANCE OF CERTAIN
21 LANDS SITUATE IN THE BOROUGH OF MILLERSVILLE, LANCASTER
22 COUNTY, FROM THE PENN MANOR SCHOOL DISTRICT; AUTHORIZING THE
23 DEPARTMENT OF GENERAL SERVICES, WITH THE APPROVAL OF THE
24 GOVERNOR, TO REMOVE AND RELEASE THE RESTRICTIVE USE AND
25 REVERSIONARY COVENANTS IMPOSED ON CERTAIN REAL PROPERTY
26 SITUATE IN THE CITY OF SCRANTON, LACKAWANNA COUNTY; PARTIALLY
27 REMOVING AND RELEASING RESTRICTIVE USE COVENANTS ON CERTAIN
28 LANDS SITUATE IN BENNER TOWNSHIP, CENTRE COUNTY; [AND]
29 AUTHORIZING THE DEPARTMENT OF GENERAL SERVICES, WITH THE
30 APPROVAL OF THE ATTORNEY GENERAL AND THE CONCURRENCE OF THE

1 DEPARTMENT OF ENVIRONMENTAL PROTECTION, TO LEASE TO THE CITY
2 OF PHILADELPHIA LAND WITHIN THE BED OF THE DELAWARE RIVER
3 WITHIN THE CITY OF PHILADELPHIA[.]; AUTHORIZING THE
4 DEPARTMENT OF GENERAL SERVICES, WITH THE APPROVAL OF THE
5 DEPARTMENT OF ENVIRONMENTAL PROTECTION AND THE GOVERNOR, TO
6 GRANT AND CONVEY TO CENTURA DEVELOPMENT CO., INC. A VACANT
7 PARCEL OF LAND SITUATE IN OLD LYCOMING TOWNSHIP, LYCOMING
8 COUNTY; AND AUTHORIZING THE DEPARTMENT OF GENERAL SERVICES,
9 WITH THE APPROVAL OF THE GOVERNOR, TO GRANT AND CONVEY TO THE
10 ERIE CONVENTION CENTER AUTHORITY, OR ITS ASSIGNS, AN INGRESS
11 AND EGRESS EASEMENT FROM LANDS OF THE COMMONWEALTH OF
12 PENNSYLVANIA AT THE WARNER THEATER HISTORICAL SITE SITUATE IN
13 THE CITY OF ERIE, ERIE COUNTY.

14 SECTION 2. SECTIONS 8, 9 AND 10 OF THE ACT ARE REENACTED TO
15 READ:

16 Section ~~±~~ 8. Conveyance of Washington Monument Park in the <--
17 Borough of Waterford, Erie County.

18 (a) Authorization.--The Department of General Services, with
19 the approval of the Pennsylvania Historical and Museum
20 Commission and the Governor, is hereby authorized on behalf of
21 the Commonwealth of Pennsylvania to grant and convey to the Fort
22 LeBoeuf Historical Society certain lands and any improvements
23 thereon DESCRIBED IN SUBSECTION (B), the property being known <--
24 locally as the Washington Monument Park, situate in the Borough
25 of Waterford, Erie County, for \$1.

26 (b) ~~Property description~~ DESCRIPTION OF PROPERTY.--The <--
27 property to be conveyed pursuant to ~~subsection (a)~~ THIS SECTION <--
28 consists of approximately 0.104-acres, including any
29 improvements located thereon, more particularly described as
30 follows:

1 Tract 1

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

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

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

18 Tract 2

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

22 COMMENCING at the southeast corner of what is N/F known as
23 the Eagle Hotel Lot on High Street; thence westwardly along
24 same, eighty-two and one-half (82 1/2) feet; thence southwardly
25 along said lot and parallel with High Street, fifty-five (55)
26 feet to First Alley; thence eastwardly, eighty-two and one-half
27 (82 1/2) feet to High Street; thence along High Street
28 northwardly, fifty-five (55) feet to the PLACE OF BEGINNING.

29 BEING the same property conveyed to the Commonwealth of
30 Pennsylvania, from the Fort LeBoeuf Chapter, Daughters of

1 American Colonists, by deed dated August 16, 1950, and recorded
2 in Erie County in Deed Book 573, Page 131.

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

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

9 (c) ~~Easements~~ CONDITIONS.--The conveyance shall be made <--
10 under and subject to all lawful and enforceable easements,
11 servitudes and rights of others, including, but not confined to,
12 streets, roadways and rights of any telephone, telegraph, water,
13 electric, gas or pipeline companies, as well as under and
14 subject to any lawful and enforceable estates or tenancies
15 vested in third persons appearing of record, for any portion of
16 the land or improvements erected thereon.

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

30 (e) Restrictive covenants.--The following restrictive

1 covenants shall be included in the deed of conveyance:

2 Declaration of Covenants

3 Washington Monument Park

4 Borough of Waterford, Erie County, Pennsylvania

5 ~~I. Covenants.~~ <--

6 (1) COVENANTS. <--

7 ~~a.~~ (A) The deed of transfer of this property, which <--

8 property shall hereinafter be described in this agreement

9 as "Washington Monument Park," shall contain the following

10 language: "Fort LeBoeuf Historical Society and its

11 successors, (hereafter referred to as "FLHS") covenants

12 and agrees to assume responsibility for the maintenance,

13 preservation, and administration of the property in a

14 manner that is satisfactory to the Pennsylvania Historical

15 and Museum Commission ("Commission") for a demonstrable

16 public benefit in perpetuity~~r~~, under and subject to the <--

17 condition that the buildings and lands conveyed herein

18 shall be accessible to the public."

19 ~~b.~~ (B) The provisions of these covenants, hereinafter <--

20 expressed as covenants running with the land, are herein

21 set forth so as to ensure the maintenance and preservation

22 of the qualities, natural resources and historical

23 characteristics of Washington Monument Park.

24 ~~II. Standards for Historic Preservation.~~ <--

25 (2) STANDARDS FOR HISTORIC PRESERVATION. <--

26 ~~a.~~ (A) Washington Monument Park shall be maintained and <--

27 preserved in accordance with the Secretary of the

28 Interior's Standards for the Treatment of Historic

29 Properties.

30 ~~b.~~ (B) No construction, alteration, rehabilitation, <--

1 remodeling, demolition, site development, ground
2 disturbance, or other action shall be undertaken or <--
3 permitted to said property without the prior written
4 permission from the Commission.

5 e. (C) Prior to the commencement of work, FLHS agrees to <--
6 notify, in writing, the Commission of all such work on
7 said property in advance.

8 d. (D) The Commission will be given ~~forty five (45)~~ 45 <--
9 days from receipt of the notice (sent via certified mail)
10 to review and approve in writing the appropriateness of
11 said work. If no response is provided within ~~forty five~~ <--
12 ~~(45)~~ 45 days, consent shall be implied. <--

13 ~~III. Requirements and Standards for Archaeological~~ <--
14 ~~Investigation.~~

15 (3) REQUIREMENTS AND STANDARDS FOR ARCHAEOLOGICAL <--
16 INVESTIGATION.

17 a. (A) For work that involves ground disturbance, the <--
18 Commission may require archaeological investigation, for
19 which FLHS shall have financial responsibility.

20 b. (B) In the event that archaeological materials are <--
21 discovered during ground-disturbing activities, work shall
22 temporarily cease, and the Commission shall be consulted
23 for instructions prior to proceeding with the work.

24 e. (C) Any archaeological work shall be conducted in <--
25 accordance with the Secretary of the Interior's Standards
26 and Guidelines for Archaeological Documentation (48FR
27 447344-37) and any such standards and guidelines as the
28 Commission may specify.

29 ~~IV. Access.~~ <--

30 (4) ACCESS. <--

1 Commonwealth of Pennsylvania.

2 (g) Costs and fees.--Costs and fees incidental to this
3 conveyance shall be borne by the ~~Grantee~~ GRANTEE. <--

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

7 SECTION 9. CONVEYANCE OF FORT LEOEUF MUSEUM IN BOROUGH OF <--
8 WATERFORD, ERIE COUNTY.

9 (A) AUTHORIZATION.--THE DEPARTMENT OF GENERAL SERVICES, WITH
10 THE APPROVAL OF THE PENNSYLVANIA HISTORICAL AND MUSEUM
11 COMMISSION AND THE GOVERNOR, IS HEREBY AUTHORIZED ON BEHALF OF
12 THE COMMONWEALTH OF PENNSYLVANIA TO GRANT AND CONVEY TO THE FORT
13 LEOEUF HISTORICAL SOCIETY CERTAIN LANDS AND ANY IMPROVEMENTS
14 THEREON DESCRIBED IN SUBSECTION (B), THE PROPERTY BEING KNOWN
15 LOCALLY AS THE FORT LEOEUF MUSEUM, SITUATE IN THE BOROUGH OF
16 WATERFORD, ERIE COUNTY, FOR \$1.

17 (B) DESCRIPTION OF PROPERTY.--THE PROPERTY TO BE CONVEYED
18 PURSUANT TO THIS SECTION CONSISTS OF APPROXIMATELY 1.17 ACRES,
19 INCLUDING ANY IMPROVEMENTS LOCATED THEREON, MORE PARTICULARLY
20 DESCRIBED AS FOLLOWS:

21 ALL THAT CERTAIN PIECE OR PARCEL OF LAND SITUATE IN THE
22 BOROUGH OF WATERFORD, ERIE COUNTY, PENNSYLVANIA, BEING A
23 RECTANGLE 155 FEET BY 330 FEET, ON THE EAST SIDE OF HIGH STREET
24 (ROUTE #19), BOUNDED BY FIRST ALLEY, CHERRY STREET (UNOPENED)
25 AND WATER STREET (UNOPENED).

26 BEING THE SAME PIECE OR PARCEL OF LAND ACQUIRED BY THE
27 COMMONWEALTH OF PENNSYLVANIA, PURSUANT TO DECLARATION OF TAKING,
28 FILED IN THE OFFICE OF THE PROTHONOTARY OF THE COURT OF COMMON
29 PLEAS OF ERIE COUNTY ON SEPTEMBER 30, 1968, AT NO. 2782 A TERM
30 1968, WITH A NOTICE OF THE DECLARATION OF TAKING RECORDED AT THE

1 OFFICE OF THE RECORDER OF DEEDS OF ERIE COUNTY AT BOOK 990, PAGE
2 84.

3 BEING PARCEL ID #46-9-58-4.

4 (C) CONDITIONS.--THE CONVEYANCE SHALL BE MADE UNDER AND
5 SUBJECT TO ALL LAWFUL AND ENFORCEABLE EASEMENTS, SERVITUDES AND
6 RIGHTS OF OTHERS, INCLUDING, BUT NOT CONFINED TO, STREETS,
7 ROADWAYS AND RIGHTS OF ANY TELEPHONE, TELEGRAPH, WATER,
8 ELECTRIC, GAS OR PIPELINE COMPANIES, AS WELL AS UNDER AND
9 SUBJECT TO ANY LAWFUL AND ENFORCEABLE ESTATES OR TENANCIES
10 VESTED IN THIRD PERSONS APPEARING OF RECORD, FOR ANY PORTION OF
11 THE LAND OR IMPROVEMENTS ERECTED THEREON.

12 (D) GAMING RESTRICTION.--ANY CONVEYANCE AUTHORIZED UNDER
13 THIS SECTION SHALL BE MADE UNDER AND SUBJECT TO THE CONDITION,
14 WHICH SHALL BE CONTAINED IN THE DEED OF CONVEYANCE, THAT NO
15 PORTION OF THE PROPERTY CONVEYED SHALL BE USED AS A LICENSED
16 FACILITY, AS DEFINED IN 4 PA.C.S. § 1103 (RELATING TO
17 DEFINITIONS), OR ANY OTHER SIMILAR TYPE OF FACILITY AUTHORIZED
18 UNDER STATE LAW. THE CONDITION SHALL BE A COVENANT RUNNING WITH
19 THE LAND AND SHALL BE BINDING UPON THE GRANTEE AND ITS
20 SUCCESSORS. SHOULD THE GRANTEE, OR ITS SUCCESSORS, PERMIT ANY
21 PORTION OF THE PROPERTY AUTHORIZED TO BE CONVEYED IN THIS
22 SECTION TO BE USED IN VIOLATION OF THIS SUBSECTION, THE TITLE
23 SHALL IMMEDIATELY REVERT TO AND REVEST IN THE GRANTOR.

24 (E) RESTRICTIVE COVENANT.--THE FOLLOWING RESTRICTIVE
25 COVENANTS SHALL BE INCLUDED IN THE DEED OF CONVEYANCE:

26 DECLARATION OF COVENANTS

27 FORT LEBOEUF MUSEUM

28 BOROUGH OF WATERFORD, ERIE COUNTY, PENNSYLVANIA

29 (1) COVENANTS.

30 (A) THE DEED OF TRANSFER OF THIS PROPERTY, WHICH

1 PROPERTY SHALL HEREINAFTER BE DESCRIBED IN THIS
2 AGREEMENT AS "FORT LEBOEUF MUSEUM," SHALL CONTAIN THE
3 FOLLOWING LANGUAGE: "FORT LEBOEUF HISTORICAL SOCIETY
4 AND ITS SUCCESSORS, (HEREAFTER REFERRED TO AS "FLHS")
5 COVENANTS AND AGREES TO ASSUME RESPONSIBILITY FOR THE
6 MAINTENANCE, PRESERVATION, AND ADMINISTRATION OF THE
7 PROPERTY IN A MANNER THAT IS SATISFACTORY TO THE
8 PENNSYLVANIA HISTORICAL AND MUSEUM COMMISSION
9 ("COMMISSION") FOR A DEMONSTRABLE PUBLIC BENEFIT IN
10 PERPETUITY, UNDER AND SUBJECT TO THE CONDITION THAT
11 THE BUILDINGS AND LANDS CONVEYED HEREIN SHALL BE
12 ACCESSIBLE TO THE PUBLIC."

13 (B) THE PROVISIONS OF THESE COVENANTS, HEREINAFTER
14 EXPRESSED AS COVENANTS RUNNING WITH THE LAND, ARE
15 HEREIN SET FORTH SO AS TO ENSURE THE MAINTENANCE AND
16 PRESERVATION OF THE QUALITIES, NATURAL RESOURCES AND
17 HISTORICAL CHARACTERISTICS OF FORT LEBOEUF MUSEUM.

18 (2) STANDARDS FOR HISTORIC PRESERVATION.

19 (A) FORT LEBOEUF MUSEUM SHALL BE MAINTAINED AND
20 PRESERVED IN ACCORDANCE WITH THE SECRETARY OF THE
21 INTERIOR'S STANDARDS FOR THE TREATMENT OF HISTORIC
22 PROPERTIES.

23 (B) NO CONSTRUCTION, ALTERATION, REHABILITATION,
24 REMODELING, DEMOLITION, SITE DEVELOPMENT, GROUND
25 DISTURBANCE OR OTHER ACTION SHALL BE UNDERTAKEN OR
26 PERMITTED TO SAID PROPERTY WITHOUT THE PRIOR WRITTEN
27 PERMISSION FROM THE COMMISSION.

28 (C) PRIOR TO THE COMMENCEMENT OF WORK, FLHS AGREES TO
29 NOTIFY, IN WRITING, THE COMMISSION OF ALL SUCH WORK
30 ON SAID PROPERTY IN ADVANCE.

1 (D) THE COMMISSION WILL BE GIVEN 45 DAYS FROM RECEIPT OF
2 THE NOTICE (SENT VIA CERTIFIED MAIL) TO REVIEW AND
3 APPROVE IN WRITING THE APPROPRIATENESS OF SAID WORK.
4 IF NO RESPONSE IS PROVIDED WITHIN 45 DAYS, CONSENT
5 SHALL BE IMPLIED.

6 (3) REQUIREMENTS AND STANDARDS FOR ARCHAEOLOGICAL
7 INVESTIGATION.

8 (A) FOR WORK THAT INVOLVES GROUND DISTURBANCE, THE
9 COMMISSION MAY REQUIRE ARCHAEOLOGICAL INVESTIGATION,
10 FOR WHICH FLHS SHALL HAVE FINANCIAL RESPONSIBILITY.

11 (B) IN THE EVENT THAT ARCHAEOLOGICAL MATERIALS ARE
12 DISCOVERED DURING GROUND-DISTURBING ACTIVITIES, WORK
13 SHALL TEMPORARILY CEASE, AND THE COMMISSION SHALL BE
14 CONSULTED FOR INSTRUCTIONS PRIOR TO PROCEEDING WITH
15 THE WORK.

16 (C) ANY ARCHAEOLOGICAL WORK SHALL BE CONDUCTED IN
17 ACCORDANCE WITH THE SECRETARY OF THE INTERIOR'S
18 STANDARDS AND GUIDELINES FOR ARCHAEOLOGICAL
19 DOCUMENTATION (48FR 447344-37) AND ANY SUCH STANDARDS
20 AND GUIDELINES AS THE COMMISSION MAY SPECIFY.

21 (4) ACCESS.

22 FLHS SHALL ALLOW THE COMMISSION, AT ALL REASONABLE TIMES
23 AND UPON REASONABLE ADVANCE NOTICE TO FLHS, ACCESS TO
24 INSPECT SAID PROPERTY TO ENSURE COMPLIANCE WITH THIS
25 PRESERVATION COVENANT.

26 (5) RIGHT OF REVERTER.

27 (A) THE DEED OF CONVEYANCE SHALL CONTAIN A CLAUSE THAT
28 THE TITLE TO THE PROPERTY SHALL IMMEDIATELY REVERT TO
29 AND REVEST IN THE COMMONWEALTH SHOULD FLHS SELL OR
30 TRANSFER THE PROPERTY OR PERMIT THE PROPERTY TO BE

1 USED FOR ANY PURPOSE OTHER THAN AS A MUSEUM, OR
2 RELATED BUSINESS AND/OR CURATORIAL OFFICES, FOR ANY
3 LENGTH OF TIME.

4 (B) FLHS MAY PETITION THE COMMISSION FOR A WAIVER OF
5 THIS PROVISION IF A PROPOSED USAGE WOULD MEET THE
6 SPIRIT OF THIS AGREEMENT.

7 (C) THE COMMISSION MUST SPECIFICALLY APPROVE ANY WAIVER
8 OF THIS PROVISION.

9 (6) BINDING IN PERPETUITY.

10 (A) THIS COVENANT IS BINDING ON FLHS AND ITS SUCCESSORS
11 IN PERPETUITY.

12 (B) THIS COVENANT SHALL BE BINDING SERVITUDE UPON THE
13 PROPERTY AND SHALL BE DEEMED TO RUN WITH THE LAND.

14 (C) EXECUTION OF THIS COVENANT SHALL CONSTITUTE EVIDENCE
15 THAT FLHS AGREES TO BE BOUND BY THE FOREGOING
16 CONDITIONS AND RESTRICTIONS AND TO PERFORM THE
17 OBLIGATIONS HEREIN SET FORTH.

18 (F) DEED OF CONVEYANCE.--THE DEED OF CONVEYANCE SHALL BE
19 EXECUTED BY THE SECRETARY OF GENERAL SERVICES IN THE NAME OF THE
20 COMMONWEALTH OF PENNSYLVANIA.

21 (G) COSTS AND FEES.--COSTS AND FEES INCIDENTAL TO THIS
22 CONVEYANCE SHALL BE BORNE BY THE GRANTEE.

23 (H) EXPIRATION.--IN THE EVENT THAT THE CONVEYANCE IS NOT
24 EFFECTUATED WITHIN ONE YEAR OF THE EFFECTIVE DATE OF THIS
25 SECTION, THE AUTHORITY CONTAINED IN THIS SECTION SHALL EXPIRE.

26 Section ~~2~~ 10. Conveyance of Judson House in the Borough of <--
27 Waterford, Erie County.

28 (a) Authorization.--The Department of General Services, with
29 the approval of ~~the Governor and~~ the Pennsylvania Historical and <--
30 Museum Commission AND THE GOVERNOR, is hereby authorized on <--

1 behalf of the Commonwealth of Pennsylvania to grant and convey
2 to the Fort LeBoeuf Historical Society certain lands and any
3 improvements thereon DESCRIBED IN SUBSECTION (B), the property <--
4 being known locally as the Judson House, situate in the Borough <--
5 of Waterford, Erie County, for \$1.

6 (b) ~~Property description~~ DESCRIPTION OF PROPERTY.--The <--
7 property to be conveyed pursuant to ~~subsection (a)~~ THIS SECTION <--
8 consists of approximately 0.5871 acres, including any
9 improvements located thereon, more particularly described as
10 follows:

11 Tract 1
12 ALL THAT CERTAIN piece or parcel of land situate in the
13 Borough of Waterford, County of Erie and Commonwealth of
14 Pennsylvania, being Lots Nos. Seven (7) and Eight (8) of
15 Garrison Lots in said Borough.

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

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

25 BEING the same piece or parcel of land conveyed to the
26 Commonwealth of Pennsylvania, from Frank R. Johnston, et al, by
27 deed dated July 8, 1949, and recorded in Erie County Deed Book
28 542, Page 549.

29 Tract 2
30 ALL THAT CERTAIN piece or parcel of land situate in the

1 Borough of Waterford, County of Erie and Commonwealth of
2 Pennsylvania, being the east sixty (60) feet fronting on the
3 southerly side of First Street to an alley, and extending
4 southwardly at a uniform depth of one hundred fifty-five (155)
5 feet, of lots Nos. 7 and 8 of the Garrison Lots in the Borough
6 of Waterford, more fully bounded and described as follows, to
7 wit:

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

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

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

25 (c) ~~Easements~~ CONDITIONS.--The conveyance shall be made <--
26 under and subject to all lawful and enforceable easements,
27 servitudes and rights of others, including, but not confined to,
28 streets, roadways and rights of any telephone, telegraph, water,
29 electric, gas or pipeline companies, as well as under and
30 subject to any lawful and enforceable estates or tenancies

1 vested in third persons appearing of record, for any portion of
2 the land or improvements erected thereon.

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

15 (e) Restrictive covenants.--The following restrictive
16 covenants shall be included in the deed of conveyance:

17 Declaration of Covenants

18 Judson House

19 Borough of Waterford, Erie County, Pennsylvania

20 ~~1.~~ (1) Covenants. <--

21 ~~a.~~ (A) The deed of transfer of this property, which <--
22 property shall hereinafter be described in this agreement as
23 "Judson House," shall contain the following language: "Fort
24 LeBoeuf Historical Society and its successors, (hereafter
25 referred to as "FLHS") covenants and agrees to assume
26 responsibility for the maintenance, preservation, and
27 administration of the property in a manner that is
28 satisfactory to the Pennsylvania Historical and Museum
29 Commission ("Commission") for a demonstrable public benefit
30 in perpetuity; under and subject to the condition that the

1 buildings and lands conveyed herein shall be accessible to
2 the public."

3 ~~b.~~ (B) The provisions of these covenants, hereinafter <--
4 expressed as covenants running with the land, are herein set
5 forth so as to ensure the maintenance and preservation of the
6 qualities, natural resources and historical characteristics
7 of Judson House.

8 ~~II.~~ (2) Standards for Historic Preservation. <--

9 ~~a.~~ (A) Judson House shall be maintained and preserved in <--
10 accordance with the Secretary of the Interior's Standards for
11 the Treatment of Historic Properties.

12 ~~b.~~ (B) No construction, alteration, rehabilitation, <--
13 remodeling, demolition, site development, ground disturbance,
14 or other action shall be undertaken or permitted to said
15 property without the prior written permission from the
16 Commission.

17 ~~c.~~ (C) Prior to the commencement of work, FLHS agrees to <--
18 notify, in writing, the Commission of all such work on said
19 property in advance.

20 ~~d.~~ (D) The Commission will be given ~~forty five (45)~~ 45 days <--
21 from receipt of the notice (sent via certified mail) to
22 review and approve in writing the appropriateness of said
23 work. If no response is provided within ~~forty five (45)~~ 45 <--
24 days, consent shall be implied.

25 ~~III.~~ (3) Requirements and Standards for Archaeological <--
26 Investigation.

27 ~~a.~~ (A) For work that involves ground disturbance, the <--
28 Commission may require archaeological investigation, for
29 which FLHS shall have financial responsibility.

30 ~~b.~~ (B) In the event that archaeological materials are <--

1 discovered during ground-disturbing activities, work shall
2 temporarily cease, and the Commission shall be consulted for
3 instructions prior to proceeding with the work.

4 ~~e.~~ (C) Any archaeological work shall be conducted in <--
5 accordance with the Secretary of the Interior's Standards and
6 Guidelines for Archaeological Documentation (48FR 447344-37)
7 and any such standards and guidelines as the Commission may
8 specify.

9 ~~IV.~~ (4) Access. <--

10 ~~a.~~ (A) FLHS shall allow the Commission, at all reasonable <--
11 times and upon reasonable advance notice to FLHS, access to
12 inspect said property to ensure compliance with this
13 preservation covenant.

14 ~~V.~~ (5) Right of Reverter. <--

15 ~~a.~~ (A) The deed of conveyance shall contain a clause that <--
16 the title to the property shall immediately revert to and
17 revert in the Commonwealth should FLHS sell or transfer the
18 property or permit the property to be used for any purpose
19 other than as a museum, or related business and/or curatorial
20 offices, for any length of time.

21 ~~b.~~ (B) FLHS may petition the Commission for a waiver of <--
22 this provision if a proposed usage would meet the spirit of
23 this agreement.

24 ~~e.~~ (C) The Commission must specifically approve any waiver <--
25 of this provision.

26 ~~VI.~~ (6) Binding in Perpetuity. <--

27 ~~a.~~ (A) This covenant is binding on FLHS and its successors <--
28 in perpetuity.

29 ~~b.~~ (B) This covenant shall be binding servitude upon the <--
30 property and shall be deemed to run with the land.

1 ~~e.~~ (C) Execution of this covenant shall constitute evidence <--
2 that FLHS agrees to be bound by the foregoing conditions and
3 restrictions and to perform the obligations herein set forth.

4 (f) Deed of conveyance.--The deed of conveyance shall be by
5 Special Warranty Deed and shall be executed by the Secretary of
6 General Services in the name of the Commonwealth of
7 Pennsylvania.

8 (g) Costs and fees.--Costs and fees incidental to this
9 conveyance shall be borne by the grantee.

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

13 ~~Section 3. Conveyance of Fort LeBoeuf Museum in the Borough of <--~~
14 ~~Waterford, Erie County.~~

15 ~~(a) Authorization. The Department of General Services, with~~
16 ~~the approval of the Pennsylvania Historical and Museum~~
17 ~~Commission and the Governor, is hereby authorized on behalf of~~
18 ~~the Commonwealth of Pennsylvania to grant and convey to the Fort~~
19 ~~LeBoeuf Historical Society certain lands and any improvements~~
20 ~~thereon, the property being known locally as the Fort LeBoeuf~~
21 ~~Museum situate in the Borough of Waterford, Erie County, for \$1.~~

22 ~~(b) Property description. The property to be conveyed~~
23 ~~pursuant to subsection (a) consists of approximately 1.17 acres,~~
24 ~~including any improvements located thereon, more particularly~~
25 ~~described as follows:~~

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

1 ~~BEING the same piece or parcel of land acquired by the~~
2 ~~Commonwealth of Pennsylvania, pursuant to Declaration of Taking,~~
3 ~~filed in the Office of the Prothonotary of the Court of Common-~~
4 ~~Pleas of Erie County on September 30, 1968, at No. 2782 A Term-~~
5 ~~1968, with a notice of the Declaration of Taking recorded at the~~
6 ~~Office of the Recorder of Deeds of Erie County at Book 990, Page~~
7 ~~84.~~

8 ~~BEING Parcel ID #46 9 58 4.~~

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

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

29 ~~(e) Restrictive covenants. The following restrictive~~
30 ~~covenants shall be included in the deed of conveyance:~~

1 Declaration of Covenants

2 Fort LeBoeuf Museum

3 Borough of Waterford, Erie County, Pennsylvania

4 I. ~~Covenants.~~

5 a. ~~The deed of transfer of this property, which property~~
6 ~~shall hereinafter be described in this agreement as "Fort~~
7 ~~LeBoeuf Museum," shall contain the following language:-~~
8 ~~"Fort LeBoeuf Historical Society and its successors,~~
9 ~~(hereafter referred to as "FLHS") covenants and agrees to~~
10 ~~assume responsibility for the maintenance, preservation,~~
11 ~~and administration of the property in a manner that is~~
12 ~~satisfactory to the Pennsylvania Historical and Museum~~
13 ~~Commission ("Commission") for a demonstrable public~~
14 ~~benefit in perpetuity; under and subject to the condition~~
15 ~~that the buildings and lands conveyed herein shall be~~
16 ~~accessible to the public."~~

17 b. ~~The provisions of these covenants, hereinafter~~
18 ~~expressed as covenants running with the land, are herein~~
19 ~~set forth so as to ensure the maintenance and preservation~~
20 ~~of the qualities, natural resources and historical~~
21 ~~characteristics of Fort LeBoeuf Museum.~~

22 II. ~~Standards for Historic Preservation.~~

23 a. ~~Fort LeBoeuf Museum shall be maintained and preserved~~
24 ~~in accordance with the Secretary of the Interior's~~
25 ~~Standards for the Treatment of Historic Properties.~~

26 b. ~~No construction, alteration, rehabilitation,~~
27 ~~remodeling, demolition, site development, ground~~
28 ~~disturbance, or other action shall be undertaken or~~
29 ~~permitted to said property without the prior written~~
30 ~~permission from the Commission.~~

1 ~~e. Prior to the commencement of work, FLHS agrees to~~
2 ~~notify, in writing, the Commission of all such work on~~
3 ~~said property in advance.~~

4 ~~d. The Commission will be given forty five (45) days~~
5 ~~from receipt of the notice (sent via certified mail) to~~
6 ~~review and approve in writing the appropriateness of said~~
7 ~~work. If no response is provided within forty five (45)~~
8 ~~days, consent shall be implied.~~

9 ~~III. Requirements and Standards for Archaeological~~
10 ~~Investigation.~~

11 ~~a. For work that involves ground disturbance, the~~
12 ~~Commission may require archaeological investigation, for~~
13 ~~which FLHS shall have financial responsibility.~~

14 ~~b. In the event that archaeological materials are~~
15 ~~discovered during ground disturbing activities, work shall~~
16 ~~temporarily cease, and the Commission shall be consulted~~
17 ~~for instructions prior to proceeding with the work.~~

18 ~~e. Any archaeological work shall be conducted in~~
19 ~~accordance with the Secretary of the Interior's Standards~~
20 ~~and Guidelines for Archaeological Documentation (48FR-~~
21 ~~447344-37) and any such standards and guidelines as the~~
22 ~~Commission may specify.~~

23 ~~IV. Access.~~

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

28 ~~V. Right of Reverter.~~

29 ~~a. The deed of conveyance shall contain a clause that~~
30 ~~the title to the property shall immediately revert to and~~

1 ~~revest in the Commonwealth should FLHS sell or transfer~~
2 ~~the property or permit the property to be used for any~~
3 ~~purpose other than as a museum, or related business and/or~~
4 ~~curatorial offices, for any length of time.~~

5 ~~b. FLHS may petition the Commission for a waiver of this~~
6 ~~provision if a proposed usage would meet the spirit of~~
7 ~~this agreement.~~

8 ~~e. The Commission must specifically approve any waiver~~
9 ~~of this provision.~~

10 ~~VI. Binding in Perpetuity.~~

11 ~~a. This covenant is binding on FLHS and its successors~~
12 ~~in perpetuity.~~

13 ~~b. This covenant shall be binding servitude upon the~~
14 ~~property and shall be deemed to run with the land.~~

15 ~~c. Execution of this covenant shall constitute evidence~~
16 ~~that FLHS agrees to be bound by the foregoing conditions~~
17 ~~and restrictions and to perform the obligations herein set~~
18 ~~forth.~~

19 ~~(f) Deed of conveyance. The deed of conveyance shall be~~
20 ~~executed by the Secretary of General Services in the name of the~~
21 ~~Commonwealth of Pennsylvania.~~

22 ~~(g) Costs and fees. Costs and fees incidental to this~~
23 ~~conveyance shall be borne by the Grantee.~~

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

27 ~~Section 4. Effective date.~~

28 ~~This act shall take effect in 60 days.~~

29 SECTION 3. THE ACT IS AMENDED BY ADDING SECTIONS TO READ: <--

30 SECTION 14.1. CONVEYANCE IN OLD LYCOMING TOWNSHIP, LYCOMING

1 COUNTY.

2 (A) AUTHORIZATION.--THE DEPARTMENT OF GENERAL SERVICES, WITH
3 THE APPROVAL OF THE DEPARTMENT OF ENVIRONMENTAL PROTECTION AND
4 THE GOVERNOR, IS AUTHORIZED ON BEHALF OF THE COMMONWEALTH TO
5 GRANT AND CONVEY TO CENTURA DEVELOPMENT CO., INC. CERTAIN LAND
6 SITUATE IN OLD LYCOMING TOWNSHIP, LYCOMING COUNTY FOR \$500.

7 (B) LEGAL DESCRIPTION.--THE PROPERTY TO BE CONVEYED PURSUANT
8 TO SECTION 1 CONSISTS OF APPROXIMATELY 1,248 +/- SQUARE FEET OR
9 APPROXIMATELY .03-ACRES AND IMPROVEMENTS THEREON BOUNDED AND
10 MORE PARTICULARLY DESCRIBED AS FOLLOWS:

11 ALL THAT CERTAIN PIECE, PARCEL, AND LOT OF LAND SITUATE IN
12 OLD LYCOMING TOWNSHIP, LYCOMING COUNTY, PENNSYLVANIA AND SHOWN
13 UPON A PLAN BY THE LARSON DESIGN GROUP, FILE 6240-006; BOUNDED
14 AND DESCRIBED AS FOLLOWS:

15 BEGINNING AT A SET MAG NAIL ON THE SOUTHERN RIGHT OF WAY LINE
16 OF CARMELLA AVENUE, SAID MAG NAIL BEING LOCATED SOUTH 84 DEGREES
17 52 MINUTES 59 SECONDS EAST, 76.66 FEET FROM A SET MAG NAIL ON
18 THE EASTERN RIGHT OF WAY LINE OF PENNSYLVANIA STATE ROUTE 1017,
19 BEING KNOWN AS LYCOMING CREEK ROAD, AND THE NORTHWEST CORNER OF
20 LANDS OF RAYMOND A. ECK (TAX PARCEL NO. 43-07-603);

21 THENCE FROM THE POINT AND PLACE OF BEGINNING AND ALONG THE
22 SOUTHERN RIGHT OF WAY LINE OF CARMELLA AVENUE THE TWO FOLLOWING
23 COURSES AND DISTANCES:

24 1. NORTH 82 DEGREES 05 MINUTES 38 SECONDS EAST, 67.02
25 FEET TO A SET STEEL PIN;

26 2. BY A CURVE TO THE RIGHT WITH A RADIUS OF 66.71 FEET,
27 AN ARCH LENGTH OF 63.59 FEET, A DELTA ANGLE OF 54 DEGREES 36
28 MINUTES 59 SECONDS, AND A CHORD OF SOUTH 70 DEGREES 35 MINUTES
29 53 SECONDS EAST, 61.21 FEET TO A SET STEEL PIN AT THE NORTHEAST
30 CORNER OF LANDS OF RAYMOND A. ECK (TAX PARCEL NO. 43-07-603);

1 THENCE ALONG THE NORTHERN LINE OF LANDS OF RAYMOND A. ECK
2 (TAX PARCEL NO. 43-07-603), NORTH 84 DEGREES 52 MINUTES 59
3 SECONDS WEST, 124.62 FEET TO THE POINT AND PLACE OF BEGINNING.
4 CONTAINING 1,248 SQUARE FEET, MORE OR LESS.

5 (C) CONDITIONS.--THE CONVEYANCE SHALL BE MADE UNDER AND
6 SUBJECT TO ALL LAWFUL AND ENFORCEABLE EASEMENTS, SERVITUDES AND
7 RIGHTS OF OTHERS, INCLUDING STREETS, ROADWAYS AND RIGHTS OF ANY
8 TELEPHONE, TELEGRAPH, WATER, ELECTRIC, GAS OR PIPELINE
9 COMPANIES, AND UNDER AND SUBJECT TO ANY LAWFUL AND ENFORCEABLE
10 ESTATES OR TENANCIES VESTED IN THIRD PERSONS APPEARING OF
11 RECORD, FOR ANY PORTION OF THE LAND OR IMPROVEMENTS ERECTED ON
12 THE LAND.

13 (D) GAMING RESTRICTION.--THE CONVEYANCE AUTHORIZED UNDER
14 THIS SECTION SHALL BE MADE UNDER AND SUBJECT TO THE CONDITION,
15 WHICH SHALL BE CONTAINED IN THE DEED OF CONVEYANCE, THAT NO
16 PORTION OF THE PROPERTY CONVEYED SHALL BE USED AS A LICENSED
17 FACILITY, AS DEFINED IN 4 PA.C.S. § 1103 (RELATING TO
18 DEFINITIONS), OR ANY OTHER SIMILAR TYPE OF FACILITY AUTHORIZED
19 UNDER STATE LAW. THE CONDITION SHALL BE A COVENANT RUNNING WITH
20 THE LAND AND SHALL BE BINDING UPON THE GRANTEE AND ITS
21 SUCCESSORS IN INTEREST. IF THE GRANTEE OR A SUCCESSOR IN
22 INTEREST PERMITS A PORTION OF THE PROPERTY AUTHORIZED TO BE
23 CONVEYED IN THIS SECTION TO BE USED IN VIOLATION OF THIS
24 SUBSECTION, THE TITLE SHALL IMMEDIATELY REVERT TO AND REVEST IN
25 THE GRANTOR.

26 (E) DEED OF CONVEYANCE.--THE DEED OF CONVEYANCE SHALL BE BY
27 SPECIAL WARRANTY DEED AND SHALL BE EXECUTED BY THE SECRETARY OF
28 GENERAL SERVICES IN THE NAME OF THE COMMONWEALTH.

29 (F) COSTS AND FEES.--COSTS AND FEES INCIDENTAL TO THIS
30 CONVEYANCE SHALL BE BORNE BY THE GRANTEE.

1 (G) DEPOSIT OF PROCEEDS.--THE PROCEEDS FROM THIS SALE SHALL
2 BE DEPOSITED IN THE GENERAL FUND.

3 (H) EXPIRATION.--IF THIS CONVEYANCE IS NOT EXECUTED WITHIN
4 SIX MONTHS OF THE EFFECTIVE DATE OF THIS SECTION, THE AUTHORITY
5 CONTAINED IN THIS SECTION SHALL EXPIRE.

6 SECTION 14.2. EASEMENT FROM LAND IN THE CITY OF ERIE, ERIE
7 COUNTY.

8 (A) AUTHORIZATION.--THE DEPARTMENT OF GENERAL SERVICES, WITH
9 THE APPROVAL OF THE GOVERNOR, IS AUTHORIZED ON BEHALF OF THE
10 COMMONWEALTH TO GRANT AND CONVEY TO THE ERIE COUNTY CONVENTION
11 CENTER AUTHORITY AND ITS SUCCESSORS IN INTEREST, A PERMANENT
12 INGRESS AND EGRESS EASEMENT FROM LANDS OF THE COMMONWEALTH AT
13 THE WARNER THEATER HISTORICAL SITE SITUATE IN THE CITY OF ERIE,
14 ERIE COUNTY FOR \$1.00, UNDER TERMS AND CONDITIONS TO BE
15 ESTABLISHED IN AN EASEMENT AGREEMENT.

16 (B) LEGAL DESCRIPTION.--THE PERMANENT UTILITY EASEMENTS TO
17 BE CONVEYED UNDER SUBSECTION (A) TOTAL APPROXIMATELY 0.0062
18 ACRES, BOUNDED AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

19 THAT CERTAIN PARCEL OF LAND SITUATE IN THE SECOND WARD OF THE
20 CITY OF ERIE, COUNTY OF ERIE, AND COMMONWEALTH OF PENNSYLVANIA,
21 BEING A PORTION OF ERIE COUNTY INDEX NO. (15)020-001.0-201.00,
22 MORE FULLY DESCRIBED AS FOLLOWS:

23 BEGINNING AT A POINT IN THE NORTHERLY TERMINUS OF AN EXISTING
24 12-FOOT WIDE ALLEY ON THE NORTHERLY SIDE OF EAST 9TH STREET (60-
25 FOOT RIGHT-OF-WAY) WHICH BEARS THE FOLLOWING THREE (3) COURSES
26 FROM THE INTERSECTION OF THE NORTHERLY RIGHT-OF-WAY LINE OF SAID
27 EAST 9TH STREET WITH THE EASTERLY RIGHT-OF-WAY LINE OF STATE
28 STREET (100-FOOT RIGHT-OF-WAY):

29 1) N64°01'45"E ALONG SAID NORTHERLY RIGHT-OF-WAY LINE OF EAST
30 9TH STREET, A DISTANCE OF 165.48 FEET TO AN INTERSECTION WITH

1 SAID WESTERLY RIGHT-OF-WAY LINE OF THE ALLEY; THENCE
2 2) N26°00'30"W ALONG SAID WESTERLY RIGHT-OF-WAY LINE OF THE
3 ALLEY, A DISTANCE OF 120.20 FEET TO SAID TERMINUS OF THE ALLEY;
4 THENCE
5 3) N64° 01'50"E ALONG SAID TERMINUS OF THE ALLEY, A DISTANCE
6 OF 6.00 FEE TO THE POINT OF BEGINNING;
7 THENCE N26°00'30"W, A DISTANCE OF 45.00 FEET; THENCE
8 N64°01'50"E, A DISTANCE OF 6.00 FEET; THENCE S26°00'30"E, A
9 DISTANCE OF 45.00 FEET TO AN INTERSECTION WITH SAID NORTHERLY
10 TERMINUS OF THE ALLEY; THENCE S64°01'50"W ALONG SAID TERMINUS OF
11 THE ALLEY, A DISTANCE OF 6.00 FEET TO THE POINT OF BEGINNING.

12 CONTAINING 0.0062 ACRE.

13 (C) EASEMENT AGREEMENT.--THE EASEMENT AGREEMENT SHALL BE
14 EXECUTED BY THE SECRETARY OF GENERAL SERVICES IN THE NAME OF THE
15 COMMONWEALTH.

16 (D) COSTS AND FEES.--COSTS AND FEES INCIDENTAL TO THE
17 EASEMENT AGREEMENT SHALL BE BORNE BY THE GRANTEE.

18 (E) EXPIRATION.--IF THE PARTIES HAVE NOT ENTERED INTO AN
19 EASEMENT AGREEMENT WITHIN ONE YEAR OF THE EFFECTIVE DATE OF THIS
20 SECTION, THE AUTHORIZATION CONTAINED IN THIS SECTION SHALL
21 EXPIRE.

22 SECTION 4. THIS ACT SHALL TAKE EFFECT AS FOLLOWS:

23 (1) THE FOLLOWING PROVISIONS SHALL TAKE EFFECT
24 IMMEDIATELY:

25 (I) SECTION 1 (TITLE) OF THIS ACT.

26 (II) SECTION 2 (SECTIONS 8, 9 AND 10) OF THIS ACT.

27 (III) THIS SECTION.

28 (2) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT IN 60
29 DAYS.