
 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

AS AMENDED ON THIRD CONSIDERATION, IN SENATE, OCTOBER 7, 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
 32 THE BOROUGH OF WATERFORD, ERIE COUNTY; AUTHORIZING AND

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

46 The General Assembly of the Commonwealth of Pennsylvania
47 hereby enacts as follows:

48 SECTION 1. THE TITLE OF THE ACT OF JULY 2, 2014 (P.L.881, <--
49 NO.100), ENTITLED "AN ACT AUTHORIZING THE DEPARTMENT OF GENERAL
50 SERVICES TO SURVEY CERTAIN LANDS AND BUILDINGS SITUATE PARTLY IN
51 THE CITY OF HARRISBURG AND PARTLY IN SUSQUEHANNA TOWNSHIP,
52 DAUPHIN COUNTY; AUTHORIZING THE DEPARTMENT OF TRANSPORTATION,

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

1 COUNTY, AND FURTHER AUTHORIZING AND DIRECTING THE DEPARTMENT OF
2 GENERAL SERVICES TO ACCEPT, IN EXCHANGE, A CONVEYANCE OF CERTAIN
3 LANDS SITUATE IN THE BOROUGH OF MILLERSVILLE, LANCASTER COUNTY,
4 FROM THE PENN MANOR SCHOOL DISTRICT; AUTHORIZING THE DEPARTMENT
5 OF GENERAL SERVICES, WITH THE APPROVAL OF THE GOVERNOR, TO
6 REMOVE AND RELEASE THE RESTRICTIVE USE AND REVERSIONARY
7 COVENANTS IMPOSED ON CERTAIN REAL PROPERTY SITUATE IN THE CITY
8 OF SCRANTON, LACKAWANNA COUNTY; PARTIALLY REMOVING AND RELEASING
9 RESTRICTIVE USE COVENANTS ON CERTAIN LANDS SITUATE IN BENNER
10 TOWNSHIP, CENTRE COUNTY; AND AUTHORIZING THE DEPARTMENT OF
11 GENERAL SERVICES, WITH THE APPROVAL OF THE ATTORNEY GENERAL AND
12 THE CONCURRENCE OF THE DEPARTMENT OF ENVIRONMENTAL PROTECTION,
13 TO LEASE TO THE CITY OF PHILADELPHIA LAND WITHIN THE BED OF THE
14 DELAWARE RIVER WITHIN THE CITY OF PHILADELPHIA," IS AMENDED TO
15 READ:

16 AN ACT

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

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

1 REMOVING AND RELEASING RESTRICTIVE USE COVENANTS ON CERTAIN
2 LANDS SITUATE IN BENNER TOWNSHIP, CENTRE COUNTY; [AND]
3 AUTHORIZING THE DEPARTMENT OF GENERAL SERVICES, WITH THE
4 APPROVAL OF THE ATTORNEY GENERAL AND THE CONCURRENCE OF THE
5 DEPARTMENT OF ENVIRONMENTAL PROTECTION, TO LEASE TO THE CITY
6 OF PHILADELPHIA LAND WITHIN THE BED OF THE DELAWARE RIVER
7 WITHIN THE CITY OF PHILADELPHIA[.]; AUTHORIZING THE
8 DEPARTMENT OF GENERAL SERVICES, WITH THE APPROVAL OF THE
9 DEPARTMENT OF ENVIRONMENTAL PROTECTION AND THE GOVERNOR, TO
10 GRANT AND CONVEY TO CENTURA DEVELOPMENT CO., INC. A VACANT
11 PARCEL OF LAND SITUATE IN OLD LYCOMING TOWNSHIP, LYCOMING
12 COUNTY; ~~AND~~ AUTHORIZING THE DEPARTMENT OF GENERAL SERVICES, <--
13 WITH THE APPROVAL OF THE GOVERNOR, TO GRANT AND CONVEY TO THE
14 ERIE CONVENTION CENTER AUTHORITY, OR ITS ASSIGNS, AN INGRESS
15 ~~AND~~ EGRESS EASEMENT FROM LANDS OF THE COMMONWEALTH OF <--
16 PENNSYLVANIA AT THE WARNER THEATER HISTORICAL SITE SITUATE IN
17 THE CITY OF ERIE, ERIE COUNTY-; <--
18 GENERAL SERVICES, WITH THE APPROVAL OF THE GOVERNOR, TO GRANT
19 AND CONVEY TO EAST ALLEN TOWNSHIP, OR ITS ASSIGNS, CERTAIN
20 LANDS SITUATE IN THE TOWNSHIP OF EAST ALLEN, NORTHAMPTON
21 COUNTY-; <--
22 WITH THE APPROVAL OF THE DEPARTMENT OF AGRICULTURE AND THE
23 GOVERNOR, TO GRANT AND CONVEY TO D&I SILICA LLC, OR ITS
24 ASSIGNS, AN EGRESS EASEMENT THROUGH LANDS OF THE COMMONWEALTH
25 OF PENNSYLVANIA SITUATE IN THE TOWNSHIP OF TUNKHANNOCK,
26 COUNTY OF WYOMING.

27 SECTION 2. SECTIONS 8, 9 AND 10 OF THE ACT ARE REENACTED TO

28 READ:

29 Section 4 8. Conveyance of Washington Monument Park in the <--
30 Borough of Waterford, Erie County.

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

9 (b) ~~Property description~~ DESCRIPTION OF PROPERTY.--The <--
10 property to be conveyed pursuant to ~~subsection (a)~~ THIS SECTION <--
11 consists of approximately 0.104-acres, including any
12 improvements located thereon, more particularly described as
13 follows:

14 Tract 1

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

18 BEGINNING at a point fifty (50) feet west of the west line of
19 High Street and twenty (20) feet north of the north line of
20 First Alley; thence southwardly, parallel with High Street, four
21 (4) feet and eight (8) inches to a point; thence eastwardly and
22 parallel with First Alley, four (4) feet and eight (8) inches to
23 a point; thence northerly and parallel with High Street, four
24 (4) feet and eight (8) inches to a point; thence westwardly,
25 parallel with First Alley, four (4) feet and eight (8) inches to
26 the place of BEGINNING.

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

1 Tract 2

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

5 COMMENCING at the southeast corner of what is N/F known as
6 the Eagle Hotel Lot on High Street; thence westwardly along
7 same, eighty-two and one-half (82 1/2) feet; thence southwardly
8 along said lot and parallel with High Street, fifty-five (55)
9 feet to First Alley; thence eastwardly, eighty-two and one-half
10 (82 1/2) feet to High Street; thence along High Street
11 northwardly, fifty-five (55) feet to the PLACE OF BEGINNING.

12 BEING the same property conveyed to the Commonwealth of
13 Pennsylvania, from the Fort LeBoeuf Chapter, Daughters of
14 American Colonists, by deed dated August 16, 1950, and recorded
15 in Erie County in Deed Book 573, Page 131.

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

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

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

30 (d) ~~Condition~~ GAMING RESTRICTION.--Any conveyance authorized <--

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

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

15 Declaration of Covenants
16 Washington Monument Park
17 Borough of Waterford, Erie County, Pennsylvania

18 ~~I. Covenants.~~ <--

19 (1) COVENANTS. <--

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

1 shall be accessible to the public."

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

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

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

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

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

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

21 ~~d.~~ (D) The Commission will be given ~~forty five (45)~~ 45 <--
22 days from receipt of the notice (sent via certified mail)
23 to review and approve in writing the appropriateness of
24 said work. If no response is provided within ~~forty five~~ <--
25 ~~(45)~~ 45 days, consent shall be implied. <--

26 ~~III. Requirements and Standards for Archaeological~~ <--
27 ~~Investigation.~~

28 (3) REQUIREMENTS AND STANDARDS FOR ARCHAEOLOGICAL <--
29 INVESTIGATION.

30 ~~a.~~ (A) For work that involves ground disturbance, the <--

1 Commission may require archaeological investigation, for
2 which FLHS shall have financial responsibility.

3 ~~b.~~ (B) In the event that archaeological materials are <--
4 discovered during ground-disturbing activities, work shall
5 temporarily cease, and the Commission shall be consulted
6 for instructions prior to proceeding with the work.

7 ~~e.~~ (C) Any archaeological work shall be conducted in <--
8 accordance with the Secretary of the Interior's Standards
9 and Guidelines for Archaeological Documentation (48FR
10 447344-37) and any such standards and guidelines as the
11 Commission may specify.

12 ~~IV. Access.~~ <--

13 (4) ACCESS. <--

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

18 ~~V. Right of Reverter.~~ <--

19 (5) RIGHT OF REVERTER. <--

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

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

30 ~~e.~~ (C) The Commission must specifically approve any <--

1 waiver of this provision.

2 ~~VI. Binding in Perpetuity.~~ <--

3 (6) BINDING IN PERPETUITY. <--

4 a. (A) This covenant is binding on FLHS and its <--
5 successors in perpetuity.

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

8 c. (C) Execution of this covenant shall constitute <--
9 evidence that FLHS agrees to be bound by the foregoing
10 conditions and restrictions and to perform the obligations
11 herein set forth.

12 (f) Deed of conveyance.--The deed of conveyance shall be
13 executed by the Secretary of General Services in the name of the
14 Commonwealth of Pennsylvania.

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

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

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

22 (A) AUTHORIZATION.--THE DEPARTMENT OF GENERAL SERVICES, WITH
23 THE APPROVAL OF THE PENNSYLVANIA HISTORICAL AND MUSEUM
24 COMMISSION AND THE GOVERNOR, IS HEREBY AUTHORIZED ON BEHALF OF
25 THE COMMONWEALTH OF PENNSYLVANIA TO GRANT AND CONVEY TO THE FORT
26 LEOEUF HISTORICAL SOCIETY CERTAIN LANDS AND ANY IMPROVEMENTS
27 THEREON DESCRIBED IN SUBSECTION (B), THE PROPERTY BEING KNOWN
28 LOCALLY AS THE FORT LEOEUF MUSEUM, SITUATE IN THE BOROUGH OF
29 WATERFORD, ERIE COUNTY, FOR \$1.

30 (B) DESCRIPTION OF PROPERTY.--THE PROPERTY TO BE CONVEYED

1 PURSUANT TO THIS SECTION CONSISTS OF APPROXIMATELY 1.17 ACRES,
2 INCLUDING ANY IMPROVEMENTS LOCATED THEREON, MORE PARTICULARLY
3 DESCRIBED AS FOLLOWS:

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

9 BEING THE SAME PIECE OR PARCEL OF LAND ACQUIRED BY THE
10 COMMONWEALTH OF PENNSYLVANIA, PURSUANT TO DECLARATION OF TAKING,
11 FILED IN THE OFFICE OF THE PROTHONOTARY OF THE COURT OF COMMON
12 PLEAS OF ERIE COUNTY ON SEPTEMBER 30, 1968, AT NO. 2782 A TERM
13 1968, WITH A NOTICE OF THE DECLARATION OF TAKING RECORDED AT THE
14 OFFICE OF THE RECORDER OF DEEDS OF ERIE COUNTY AT BOOK 990, PAGE
15 84.

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

17 (C) CONDITIONS.--THE CONVEYANCE SHALL BE MADE UNDER AND
18 SUBJECT TO ALL LAWFUL AND ENFORCEABLE EASEMENTS, SERVITUDES AND
19 RIGHTS OF OTHERS, INCLUDING, BUT NOT CONFINED TO, STREETS,
20 ROADWAYS AND RIGHTS OF ANY TELEPHONE, TELEGRAPH, WATER,
21 ELECTRIC, GAS OR PIPELINE COMPANIES, AS WELL AS UNDER AND
22 SUBJECT TO ANY LAWFUL AND ENFORCEABLE ESTATES OR TENANCIES
23 VESTED IN THIRD PERSONS APPEARING OF RECORD, FOR ANY PORTION OF
24 THE LAND OR IMPROVEMENTS ERECTED THEREON.

25 (D) GAMING RESTRICTION.--ANY CONVEYANCE AUTHORIZED UNDER
26 THIS SECTION SHALL BE MADE UNDER AND SUBJECT TO THE CONDITION,
27 WHICH SHALL BE CONTAINED IN THE DEED OF CONVEYANCE, THAT NO
28 PORTION OF THE PROPERTY CONVEYED SHALL BE USED AS A LICENSED
29 FACILITY, AS DEFINED IN 4 PA.C.S. § 1103 (RELATING TO
30 DEFINITIONS), OR ANY OTHER SIMILAR TYPE OF FACILITY AUTHORIZED

1 UNDER STATE LAW. THE CONDITION SHALL BE A COVENANT RUNNING WITH
2 THE LAND AND SHALL BE BINDING UPON THE GRANTEE AND ITS
3 SUCCESSORS. SHOULD THE GRANTEE, OR ITS SUCCESSORS, PERMIT ANY
4 PORTION OF THE PROPERTY AUTHORIZED TO BE CONVEYED IN THIS
5 SECTION TO BE USED IN VIOLATION OF THIS SUBSECTION, THE TITLE
6 SHALL IMMEDIATELY REVERT TO AND REVEST IN THE GRANTOR.

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

9 DECLARATION OF COVENANTS

10 FORT LEBOEUF MUSEUM

11 BOROUGH OF WATERFORD, ERIE COUNTY, PENNSYLVANIA

12 (1) COVENANTS.

13 (A) THE DEED OF TRANSFER OF THIS PROPERTY, WHICH
14 PROPERTY SHALL HEREINAFTER BE DESCRIBED IN THIS
15 AGREEMENT AS "FORT LEBOEUF MUSEUM," SHALL CONTAIN THE
16 FOLLOWING LANGUAGE: "FORT LEBOEUF HISTORICAL SOCIETY
17 AND ITS SUCCESSORS, (HEREAFTER REFERRED TO AS "FLHS")
18 COVENANTS AND AGREES TO ASSUME RESPONSIBILITY FOR THE
19 MAINTENANCE, PRESERVATION, AND ADMINISTRATION OF THE
20 PROPERTY IN A MANNER THAT IS SATISFACTORY TO THE
21 PENNSYLVANIA HISTORICAL AND MUSEUM COMMISSION
22 ("COMMISSION") FOR A DEMONSTRABLE PUBLIC BENEFIT IN
23 PERPETUITY, UNDER AND SUBJECT TO THE CONDITION THAT
24 THE BUILDINGS AND LANDS CONVEYED HEREIN SHALL BE
25 ACCESSIBLE TO THE PUBLIC."

26 (B) THE PROVISIONS OF THESE COVENANTS, HEREINAFTER
27 EXPRESSED AS COVENANTS RUNNING WITH THE LAND, ARE
28 HEREIN SET FORTH SO AS TO ENSURE THE MAINTENANCE AND
29 PRESERVATION OF THE QUALITIES, NATURAL RESOURCES AND
30 HISTORICAL CHARACTERISTICS OF FORT LEBOEUF MUSEUM.

1 (2) STANDARDS FOR HISTORIC PRESERVATION.

2 (A) FORT LEOEUF MUSEUM SHALL BE MAINTAINED AND
3 PRESERVED IN ACCORDANCE WITH THE SECRETARY OF THE
4 INTERIOR'S STANDARDS FOR THE TREATMENT OF HISTORIC
5 PROPERTIES.

6 (B) NO CONSTRUCTION, ALTERATION, REHABILITATION,
7 REMODELING, DEMOLITION, SITE DEVELOPMENT, GROUND
8 DISTURBANCE OR OTHER ACTION SHALL BE UNDERTAKEN OR
9 PERMITTED TO SAID PROPERTY WITHOUT THE PRIOR WRITTEN
10 PERMISSION FROM THE COMMISSION.

11 (C) PRIOR TO THE COMMENCEMENT OF WORK, FLHS AGREES TO
12 NOTIFY, IN WRITING, THE COMMISSION OF ALL SUCH WORK
13 ON SAID PROPERTY IN ADVANCE.

14 (D) THE COMMISSION WILL BE GIVEN 45 DAYS FROM RECEIPT OF
15 THE NOTICE (SENT VIA CERTIFIED MAIL) TO REVIEW AND
16 APPROVE IN WRITING THE APPROPRIATENESS OF SAID WORK.
17 IF NO RESPONSE IS PROVIDED WITHIN 45 DAYS, CONSENT
18 SHALL BE IMPLIED.

19 (3) REQUIREMENTS AND STANDARDS FOR ARCHAEOLOGICAL
20 INVESTIGATION.

21 (A) FOR WORK THAT INVOLVES GROUND DISTURBANCE, THE
22 COMMISSION MAY REQUIRE ARCHAEOLOGICAL INVESTIGATION,
23 FOR WHICH FLHS SHALL HAVE FINANCIAL RESPONSIBILITY.

24 (B) IN THE EVENT THAT ARCHAEOLOGICAL MATERIALS ARE
25 DISCOVERED DURING GROUND-DISTURBING ACTIVITIES, WORK
26 SHALL TEMPORARILY CEASE, AND THE COMMISSION SHALL BE
27 CONSULTED FOR INSTRUCTIONS PRIOR TO PROCEEDING WITH
28 THE WORK.

29 (C) ANY ARCHAEOLOGICAL WORK SHALL BE CONDUCTED IN
30 ACCORDANCE WITH THE SECRETARY OF THE INTERIOR'S

1 STANDARDS AND GUIDELINES FOR ARCHAEOLOGICAL
2 DOCUMENTATION (48FR 447344-37) AND ANY SUCH STANDARDS
3 AND GUIDELINES AS THE COMMISSION MAY SPECIFY.

4 (4) ACCESS.

5 FLHS SHALL ALLOW THE COMMISSION, AT ALL REASONABLE TIMES
6 AND UPON REASONABLE ADVANCE NOTICE TO FLHS, ACCESS TO
7 INSPECT SAID PROPERTY TO ENSURE COMPLIANCE WITH THIS
8 PRESERVATION COVENANT.

9 (5) RIGHT OF REVERTER.

10 (A) THE DEED OF CONVEYANCE SHALL CONTAIN A CLAUSE THAT
11 THE TITLE TO THE PROPERTY SHALL IMMEDIATELY REVERT TO
12 AND REVEST IN THE COMMONWEALTH SHOULD FLHS SELL OR
13 TRANSFER THE PROPERTY OR PERMIT THE PROPERTY TO BE
14 USED FOR ANY PURPOSE OTHER THAN AS A MUSEUM, OR
15 RELATED BUSINESS AND/OR CURATORIAL OFFICES, FOR ANY
16 LENGTH OF TIME.

17 (B) FLHS MAY PETITION THE COMMISSION FOR A WAIVER OF
18 THIS PROVISION IF A PROPOSED USAGE WOULD MEET THE
19 SPIRIT OF THIS AGREEMENT.

20 (C) THE COMMISSION MUST SPECIFICALLY APPROVE ANY WAIVER
21 OF THIS PROVISION.

22 (6) BINDING IN PERPETUITY.

23 (A) THIS COVENANT IS BINDING ON FLHS AND ITS SUCCESSORS
24 IN PERPETUITY.

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

27 (C) EXECUTION OF THIS COVENANT SHALL CONSTITUTE EVIDENCE
28 THAT FLHS AGREES TO BE BOUND BY THE FOREGOING
29 CONDITIONS AND RESTRICTIONS AND TO PERFORM THE
30 OBLIGATIONS HEREIN SET FORTH.

1 (F) DEED OF CONVEYANCE.--THE DEED OF CONVEYANCE SHALL BE
2 EXECUTED BY THE SECRETARY OF GENERAL SERVICES IN THE NAME OF THE
3 COMMONWEALTH OF PENNSYLVANIA.

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

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

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

11 (a) Authorization.--The Department of General Services, with
12 the approval of ~~the Governor and~~ the Pennsylvania Historical and <--
13 Museum Commission AND THE GOVERNOR, is hereby authorized on <--
14 behalf of the Commonwealth of Pennsylvania to grant and convey
15 to the Fort LeBoeuf Historical Society certain lands and any
16 improvements thereon DESCRIBED IN SUBSECTION (B), the property <--
17 being known locally as the Judson House, situate in the Borough
18 of Waterford, Erie County, for \$1.

19 (b) ~~Property description~~ DESCRIPTION OF PROPERTY.--The <--
20 property to be conveyed pursuant to ~~subsection (a)~~ THIS SECTION <--
21 consists of approximately 0.5871 acres, including any
22 improvements located thereon, more particularly described as
23 follows:

24 Tract 1
25 ALL THAT CERTAIN piece or parcel of land situate in the
26 Borough of Waterford, County of Erie and Commonwealth of
27 Pennsylvania, being Lots Nos. Seven (7) and Eight (8) of
28 Garrison Lots in said Borough.

29 The said lots are situate at the southeast intersection of
30 High Street and First Street, in said Borough, and front for a

1 distance of 105 feet on the south side of First Street and
2 extends southerly therefrom a distance of 155 feet on the east
3 side of High Street.

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

8 BEING the same piece or parcel of land conveyed to the
9 Commonwealth of Pennsylvania, from Frank R. Johnston, et al, by
10 deed dated July 8, 1949, and recorded in Erie County Deed Book
11 542, Page 549.

12 Tract 2

13 ALL THAT CERTAIN piece or parcel of land situate in the
14 Borough of Waterford, County of Erie and Commonwealth of
15 Pennsylvania, being the east sixty (60) feet fronting on the
16 southerly side of First Street to an alley, and extending
17 southwardly at a uniform depth of one hundred fifty-five (155)
18 feet, of lots Nos. 7 and 8 of the Garrison Lots in the Borough
19 of Waterford, more fully bounded and described as follows, to
20 wit:

21 BEGINNING at a point in the south line of First Street, one
22 hundred five (105) feet eastwardly from the point of
23 intersection of the south line of First Street with the east
24 line of High Street; thence southwardly parallel with the east
25 line of High Street, one hundred and fifty-five (155) feet, more
26 or less, to the north line of an alley; thence eastwardly along
27 the north line of said alley, and parallel with the south line
28 of First Street, sixty (60) feet to a point; thence northwardly
29 parallel with the east line of High Street, one hundred and
30 fifty-five (155) feet, more or less, to the south line of First

1 Street; and thence westwardly along the south line of First
2 Street, sixty (60) feet to the place of BEGINNING.

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

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

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

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

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

30 Declaration of Covenants

Judson House

Borough of Waterford, Erie County, Pennsylvania

~~I.~~ (1) Covenants.

<--

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

<--

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

<--

~~II.~~ (2) Standards for Historic Preservation.

<--

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

<--

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

<--

~~c.~~ (C) Prior to the commencement of work, FLHS agrees to

<--

1 notify, in writing, the Commission of all such work on said
2 property in advance.

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

8 ~~III.~~ (3) Requirements and Standards for Archaeological <--
9 Investigation.

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

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

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

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

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

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

28 ~~a.~~ (A) The deed of conveyance shall contain a clause that <--
29 the title to the property shall immediately revert to and
30 revert in the Commonwealth should FLHS sell or transfer the

1 property or permit the property to be used for any purpose
2 other than as a museum, or related business and/or curatorial
3 offices, for any length of time.

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

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

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

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

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

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

17 (f) Deed of conveyance.--The deed of conveyance shall be by
18 Special Warranty Deed and shall be executed by the Secretary of
19 General Services in the name of the Commonwealth of
20 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 3. Conveyance of Fort LeBoeuf Museum in the Borough of <--
27 Waterford, Erie County.~~

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

1 ~~the Commonwealth of Pennsylvania to grant and convey to the Fort~~
2 ~~LeBoeuf Historical Society certain lands and any improvements~~
3 ~~thereon, the property being known locally as the Fort LeBoeuf~~
4 ~~Museum situate in the Borough of Waterford, Erie County, for \$1.~~

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

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

14 ~~BEING the same piece or parcel of land acquired by the~~
15 ~~Commonwealth of Pennsylvania, pursuant to Declaration of Taking,~~
16 ~~filed in the Office of the Prothonotary of the Court of Common~~
17 ~~Pleas of Erie County on September 30, 1968, at No. 2782 A Term~~
18 ~~1968, with a notice of the Declaration of Taking recorded at the~~
19 ~~Office of the Recorder of Deeds of Erie County at Book 990, Page~~
20 ~~84.~~

21 ~~BEING Parcel ID #46-9-58-4.~~

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

30 ~~(d) Condition. Any conveyance authorized under this section~~

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

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

14 ~~Declaration of Covenants~~

15 ~~Fort LeBoeuf Museum~~

16 ~~Borough of Waterford, Erie County, Pennsylvania~~

17 ~~I. Covenants.~~

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

30 ~~b. The provisions of these covenants, hereinafter~~

1 ~~expressed as covenants running with the land, are herein~~
2 ~~set forth so as to ensure the maintenance and preservation~~
3 ~~of the qualities, natural resources and historical~~
4 ~~characteristics of Fort LeBoeuf Museum.~~

5 ~~II. Standards for Historic Preservation.~~

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

9 ~~b. No construction, alteration, rehabilitation,~~
10 ~~remodeling, demolition, site development, ground~~
11 ~~disturbance, or other action shall be undertaken or~~
12 ~~permitted to said property without the prior written~~
13 ~~permission from the Commission.~~

14 ~~c. Prior to the commencement of work, FLHS agrees to~~
15 ~~notify, in writing, the Commission of all such work on~~
16 ~~said property in advance.~~

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

22 ~~III. Requirements and Standards for Archaeological~~
23 ~~Investigation.~~

24 ~~a. For work that involves ground disturbance, the~~
25 ~~Commission may require archaeological investigation, for~~
26 ~~which FLHS shall have financial responsibility.~~

27 ~~b. In the event that archaeological materials are~~
28 ~~discovered during ground disturbing activities, work shall~~
29 ~~temporarily cease, and the Commission shall be consulted~~
30 ~~for instructions prior to proceeding with the work.~~

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

6 ~~IV. Access.~~

7 ~~a. FLHS shall allow the Commission, at all reasonable~~
8 ~~times and upon reasonable advance notice to FLHS, access~~
9 ~~to inspect said property to ensure compliance with this~~
10 ~~preservation covenant.~~

11 ~~V. Right of Reverter.~~

12 ~~a. The deed of conveyance shall contain a clause that~~
13 ~~the title to the property shall immediately revert to and~~
14 ~~revest in the Commonwealth should FLHS sell or transfer~~
15 ~~the property or permit the property to be used for any~~
16 ~~purpose other than as a museum, or related business and/or~~
17 ~~curatorial offices, for any length of time.~~

18 ~~b. FLHS may petition the Commission for a waiver of this~~
19 ~~provision if a proposed usage would meet the spirit of~~
20 ~~this agreement.~~

21 ~~c. The Commission must specifically approve any waiver~~
22 ~~of this provision.~~

23 ~~VI. Binding in Perpetuity.~~

24 ~~a. This covenant is binding on FLHS and its successors~~
25 ~~in perpetuity.~~

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

28 ~~c. Execution of this covenant shall constitute evidence~~
29 ~~that FLHS agrees to be bound by the foregoing conditions~~
30 ~~and restrictions and to perform the obligations herein set~~

1 forth.

2 ~~(f) Deed of conveyance. The deed of conveyance shall be~~
3 ~~executed by the Secretary of General Services in the name of the~~
4 ~~Commonwealth of Pennsylvania.~~

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

7 ~~(h) Expiration. In the event that the conveyance is not~~
8 ~~effectuated within one year of the effective date of this~~
9 ~~section, the authority contained in this section shall expire.~~
10 ~~Section 4. Effective date.~~

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

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

13 SECTION 14.1. CONVEYANCE IN OLD LYCOMING TOWNSHIP, LYCOMING
14 COUNTY.

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

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

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

28 BEGINNING AT A SET MAG NAIL ON THE SOUTHERN RIGHT OF WAY LINE
29 OF CARMELLA AVENUE, SAID MAG NAIL BEING LOCATED SOUTH 84 DEGREES
30 52 MINUTES 59 SECONDS EAST, 76.66 FEET FROM A SET MAG NAIL ON

1 THE EASTERN RIGHT OF WAY LINE OF PENNSYLVANIA STATE ROUTE 1017,
2 BEING KNOWN AS LYCOMING CREEK ROAD, AND THE NORTHWEST CORNER OF
3 LANDS OF RAYMOND A. ECK (TAX PARCEL NO. 43-07-603);

4 THENCE FROM THE POINT AND PLACE OF BEGINNING AND ALONG THE
5 SOUTHERN RIGHT OF WAY LINE OF CARMELLA AVENUE THE TWO FOLLOWING
6 COURSES AND DISTANCES:

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

9 2. BY A CURVE TO THE RIGHT WITH A RADIUS OF 66.71 FEET, AN
10 ARCH LENGTH OF 63.59 FEET, A DELTA ANGLE OF 54 DEGREES 36
11 MINUTES 59 SECONDS, AND A CHORD OF SOUTH 70 DEGREES 35 MINUTES
12 53 SECONDS EAST, 61.21 FEET TO A SET STEEL PIN AT THE NORTHEAST
13 CORNER OF LANDS OF RAYMOND A. ECK (TAX PARCEL NO. 43-07-603);

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

18 (C) CONDITIONS.--THE CONVEYANCE SHALL BE MADE UNDER AND
19 SUBJECT TO ALL LAWFUL AND ENFORCEABLE EASEMENTS, SERVITUDES AND
20 RIGHTS OF OTHERS, INCLUDING STREETS, ROADWAYS AND RIGHTS OF ANY
21 TELEPHONE, TELEGRAPH, WATER, ELECTRIC, GAS OR PIPELINE
22 COMPANIES, AND UNDER AND SUBJECT TO ANY LAWFUL AND ENFORCEABLE
23 ESTATES OR TENANCIES VESTED IN THIRD PERSONS APPEARING OF
24 RECORD, FOR ANY PORTION OF THE LAND OR IMPROVEMENTS ERECTED ON
25 THE LAND.

26 (D) GAMING RESTRICTION.--THE CONVEYANCE AUTHORIZED UNDER
27 THIS SECTION SHALL BE MADE UNDER AND SUBJECT TO THE CONDITION,
28 WHICH SHALL BE CONTAINED IN THE DEED OF CONVEYANCE, THAT NO
29 PORTION OF THE PROPERTY CONVEYED SHALL BE USED AS A LICENSED
30 FACILITY, AS DEFINED IN 4 PA.C.S. § 1103 (RELATING TO

1 DEFINITIONS), OR ANY OTHER SIMILAR TYPE OF FACILITY AUTHORIZED
2 UNDER STATE LAW. THE CONDITION SHALL BE A COVENANT RUNNING WITH
3 THE LAND AND SHALL BE BINDING UPON THE GRANTEE AND ITS
4 SUCCESSORS IN INTEREST. IF THE GRANTEE OR A SUCCESSOR IN
5 INTEREST PERMITS A PORTION OF THE PROPERTY AUTHORIZED TO BE
6 CONVEYED IN THIS SECTION TO BE USED IN VIOLATION OF THIS
7 SUBSECTION, THE TITLE SHALL IMMEDIATELY REVERT TO AND REVEST IN
8 THE GRANTOR.

9 (E) DEED OF CONVEYANCE.--THE DEED OF CONVEYANCE SHALL BE BY
10 SPECIAL WARRANTY DEED AND SHALL BE EXECUTED BY THE SECRETARY OF
11 GENERAL SERVICES IN THE NAME OF THE COMMONWEALTH.

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

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

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

19 SECTION 14.2. EASEMENT FROM LAND IN THE CITY OF ERIE, ERIE
20 COUNTY.

21 (A) AUTHORIZATION.--THE DEPARTMENT OF GENERAL SERVICES, WITH
22 THE APPROVAL OF THE GOVERNOR, IS AUTHORIZED ON BEHALF OF THE
23 COMMONWEALTH TO GRANT AND CONVEY TO THE ERIE COUNTY CONVENTION
24 CENTER AUTHORITY AND ITS SUCCESSORS IN INTEREST, A PERMANENT
25 INGRESS AND EGRESS EASEMENT FROM LANDS OF THE COMMONWEALTH AT
26 THE WARNER THEATER HISTORICAL SITE SITUATE IN THE CITY OF ERIE,
27 ERIE COUNTY FOR \$1.00, UNDER TERMS AND CONDITIONS TO BE
28 ESTABLISHED IN AN EASEMENT AGREEMENT.

29 (B) LEGAL DESCRIPTION.--THE PERMANENT UTILITY EASEMENTS TO
30 BE CONVEYED UNDER SUBSECTION (A) TOTAL APPROXIMATELY 0.0062

1 ACRES, BOUNDED AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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

6 BEGINNING AT A POINT IN THE NORTHERLY TERMINUS OF AN EXISTING
7 12-FOOT WIDE ALLEY ON THE NORTHERLY SIDE OF EAST 9TH STREET (60-
8 FOOT RIGHT-OF-WAY) WHICH BEARS THE FOLLOWING THREE (3) COURSES
9 FROM THE INTERSECTION OF THE NORTHERLY RIGHT-OF-WAY LINE OF SAID
10 EAST 9TH STREET WITH THE EASTERLY RIGHT-OF-WAY LINE OF STATE
11 STREET (100-FOOT RIGHT-OF-WAY):

12 1) N64°01'45"E ALONG SAID NORTHERLY RIGHT-OF-WAY LINE OF EAST
13 9TH STREET, A DISTANCE OF 165.48 FEET TO AN INTERSECTION WITH
14 SAID WESTERLY RIGHT-OF-WAY LINE OF THE ALLEY; THENCE

15 2) N26°00'30"W ALONG SAID WESTERLY RIGHT-OF-WAY LINE OF THE
16 ALLEY, A DISTANCE OF 120.20 FEET TO SAID TERMINUS OF THE ALLEY;
17 THENCE

18 3) N64°01'50"E ALONG SAID TERMINUS OF THE ALLEY, A DISTANCE
19 OF 6.00 FEET TO THE POINT OF BEGINNING;

20 THENCE N26°00'30"W, A DISTANCE OF 45.00 FEET; THENCE
21 N64°01'50"E, A DISTANCE OF 6.00 FEET; THENCE S26°00'30"E, A
22 DISTANCE OF 45.00 FEET TO AN INTERSECTION WITH SAID NORTHERLY
23 TERMINUS OF THE ALLEY; THENCE S64°01'50"W ALONG SAID TERMINUS OF
24 THE ALLEY, A DISTANCE OF 6.00 FEET TO THE POINT OF BEGINNING.

25 CONTAINING 0.0062 ACRE.

26 (C) EASEMENT AGREEMENT.--THE EASEMENT AGREEMENT SHALL BE
27 EXECUTED BY THE SECRETARY OF GENERAL SERVICES IN THE NAME OF THE
28 COMMONWEALTH.

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

1 (E) EXPIRATION.--IF THE PARTIES HAVE NOT ENTERED INTO AN
2 EASEMENT AGREEMENT WITHIN ONE YEAR OF THE EFFECTIVE DATE OF THIS
3 SECTION, THE AUTHORIZATION CONTAINED IN THIS SECTION SHALL
4 EXPIRE.

5 SECTION 14.3. CONVEYANCE IN EAST ALLEN TOWNSHIP, NORTHAMPTON <--
6 COUNTY.

7 (A) AUTHORIZATION.--THE DEPARTMENT OF GENERAL SERVICES, WITH
8 THE APPROVAL OF THE GOVERNOR, IS HEREBY AUTHORIZED ON BEHALF OF
9 THE COMMONWEALTH OF PENNSYLVANIA TO GRANT AND CONVEY TO EAST
10 ALLEN TOWNSHIP, OR ITS ASSIGNS, CERTAIN LANDS, AND ANY
11 IMPROVEMENTS LOCATED THEREON, SITUATE IN THE TOWNSHIP OF EAST
12 ALLEN, COUNTY OF NORTHAMPTON UNDER TERMS, CONDITIONS AND FOR
13 CONSIDERATION EQUAL TO FAIR MARKET VALUE TO BE ESTABLISHED IN AN
14 AGREEMENT OF SALE.

15 (B) LEGAL DESCRIPTION.--THE PROPERTY TO BE CONVEYED PURSUANT
16 TO SUBSECTION (A) CONSISTS OF APPROXIMATELY 18.14-ACRES OF LAND,
17 AND ANY IMPROVEMENTS THEREON, BOUNDED AND MORE PARTICULARLY
18 DESCRIBED AS FOLLOWS:

19 ALL THAT CERTAIN TRACT OF LAND SITUATE IN EAST ALLEN
20 TOWNSHIP, NORTHAMPTON COUNTY, PENNSYLVANIA, BEING BOUNDED AND
21 DESCRIBED AS FOLLOWS:

22 BEGINNING AT A POINT AT THE INTERSECTION OF THE CENTER LINE
23 OF WEAVERSVILLE ROAD (SR 3017) AND THE CENTER LINE OF COLONY
24 DRIVE; THENCE

25 (1) N 35° 20' 50" W ALONG THE CENTER LINE OF WEAVERSVILLE
26 ROAD (SR 3017) FOR A DISTANCE OF 127.53 FEET TO A POINT;

27 (2) N 33° 4' 30" W ALONG THE CENTER LINE OF WEAVERSVILLE
28 ROAD (SR 3017) FOR A DISTANCE OF 277.49 FEET TO A POINT;

29 (3) N 36° 11' 04" W ALONG THE CENTER LINE OF WEAVERSVILLE
30 ROAD (SR 3017) FOR A DISTANCE OF 181.18 FEET TO A POINT;

1 (4) N 38° 35' 58" W ALONG THE CENTER LINE OF WEAVERSVILLE
2 ROAD (SR 3017) FOR A DISTANCE OF 61.01 FEET TO A POINT;
3 (5) N 40° 01' 40" W ALONG THE CENTER LINE WEAVERSVILLE ROAD
4 (SR 3017) FOR A DISTANCE OF 272.92 FEET TO A POINT;
5 (6) S 86° 18' 05" E ALONG THE DIVIDING LINE BETWEEN THE
6 PARCEL HEREIN DESCRIBED AND LANDS NOW OR FORMERLY OF NORTHAMPTON
7 COUNTY FOR A DISTANCE OF 725.29 FEET TO A POINT;
8 (7) THENCE ALONG THE DIVIDING LINE BETWEEN THE PARCEL HEREIN
9 DESCRIBED AND LANDS NOW OR FORMERLY OF NORTHAMPTON COUNTY
10 THROUGH A CURVE TO THE LEFT WITH AN ARC DISTANCE OF 602.00 FEET,
11 A RADIUS OF 1945.10 FEET, AND A CHORD BEARING OF N 84° 49' 56" E
12 FOR A DISTANCE OF 599.60 FEET TO AN IRON PIN;
13 (8) S 03° 41' 50" ALONG THE DIVIDING LINE BETWEEN THE PARCEL
14 HEREIN DESCRIBED AND LANDS NOW OR FORMERLY OF EAST ALLEN
15 TOWNSHIP FOR A DISTANCE OF 250.63 FEET TO AN IRON PIN;
16 (9) N 90° 00' 00" E ALONG THE DIVIDING LINE BETWEEN THE
17 PARCEL HEREIN DESCRIBED AND LANDS NOW OR FORMERLY OF EAST ALLEN
18 TOWNSHIP FOR A DISTANCE OF 100.21 FEET TO AN IRON PIN;
19 (10) S 03° 48' 04" E ALONG THE DIVIDING LINE BETWEEN THE
20 PARCEL HEREIN DESCRIBED AND LANDS NOW OR FORMERLY OF EAST ALLEN
21 TOWNSHIP AND OF N/F PAUL S. EVANS, JR. FOR A DISTANCE OF 491.64
22 FEET TO A POINT ON THE CENTER LINE OF COLONY DRIVE;
23 (11) S 89° 45' 05" W ALONG THE CENTER LINE OF COLONY DRIVE
24 FOR A DISTANCE OF 921.11 FEET TO A POINT ON THE CENTER LINE OF
25 WEAVERSVILLE ROAD (SR 3017), SAID POINT BEING THE POINT OF
26 BEGINNING.
27 CONTAINING 18.14-ACRES AS PER SURVEY AND MAJOR SUBDIVISION OF
28 KURTANICH ENGINEERS & ASSOCIATES, INC., HERMITAGE, PA, TITLED
29 FINAL PLAN ALLENTOWN STATE FARM, DATED MARCH 10, 1997 AND
30 REVISED JUNE 1, 1998, DRAWING NO. K-97-940-08 AND BEING PARCEL

1 VIII ON SAID FINAL PLAN RECORDED TO INSTRUMENT NO. 1998024534.
2 UNDER AND SUBJECT TO THE RIGHTS OF A HUNDRED FOOT
3 (100' EASEMENT PROVIDED TO EAST ALLEN TOWNSHIP BY DEED DATED
4 SEPTEMBER 11, 1995 AND RECORDED JANUARY 18, 1996 IN THE RECORDER
5 OF DEEDS OF NORTHAMPTON COUNTY IN DEED BOOK VOLUME 1996-1, PAGE
6 5015, AND BEING INSTRUMENT NUMBER 1996001683.

7 BEING TAX PARCEL ID: 5060-18-0679-5193
8 ALSO BEING A PORTION OF THE SAME PREMISES CONVEYED TO THE
9 COMMONWEALTH OF PENNSYLVANIA IN DEED BOOK H63, PAGE 256.

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

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

30 (E) DEED OF CONVEYANCE.--THE DEED OF CONVEYANCE SHALL BE BY

1 SPECIAL WARRANTY DEED AND SHALL BE EXECUTED BY THE SECRETARY OF
2 GENERAL SERVICES IN THE NAME OF THE COMMONWEALTH OF
3 PENNSYLVANIA.

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

6 (G) ALTERNATE DISPOSITION.--IN THE EVENT THAT THE CONVEYANCE
7 IS NOT COMPLETED WITHIN TWO YEARS OF THE EFFECTIVE DATE OF THIS
8 SECTION, THE DEPARTMENT OF GENERAL SERVICES MAY SELL THE
9 PROPERTY IN ACCORDANCE WITH SECTION 2405-A OF THE ACT OF APRIL
10 9, 1929 (P.L.177, NO.175), KNOWN AS THE ADMINISTRATIVE CODE OF
11 1929.

12 SECTION 14.4. CONVEYANCE IN TUNKHANNOCK TOWNSHIP, WYOMING
13 COUNTY.

14 (A) AUTHORIZATION.--

15 (1) SUBJECT TO PARAGRAPH (2), THE DEPARTMENT OF GENERAL
16 SERVICES, WITH THE APPROVAL OF THE DEPARTMENT OF AGRICULTURE
17 AND THE GOVERNOR, IS AUTHORIZED ON BEHALF OF THE COMMONWEALTH
18 TO GRANT AND CONVEY TO D&I SILICA, LLC, OR ITS ASSIGNS, AN
19 EGRESS EASEMENT THROUGH LANDS OF THIS COMMONWEALTH AT THE
20 TUNKHANNOCK REGIONAL OFFICE OF THE DEPARTMENT OF AGRICULTURE
21 SITUATE IN THE TOWNSHIP OF TUNKHANNOCK, COUNTY OF WYOMING,
22 UNDER TERMS, CONDITIONS AND FOR CONSIDERATION EQUAL TO FAIR
23 MARKET VALUE ACCEPTABLE TO THE SECRETARY OF GENERAL SERVICES.

24 (2) GRANTING OF THIS EASEMENT IS CONTINGENT UPON A
25 STIPULATED AGREEMENT BETWEEN THE GRANTEE AND THE WYOMING
26 COUNTY COMMISSIONERS, AND APPROVED BY THE COURT OF COMMON
27 PLEAS OF WYOMING COUNTY.

28 (B) DESCRIPTION.--THE EGRESS EASEMENT TO BE CONVEYED
29 PURSUANT TO SECTION 1 TOTAL APPROXIMATELY 0.74-ACRES BOUNDED AND
30 MORE PARTICULARLY DESCRIBED AS FOLLOWS:

1 ALL THAT CERTAIN PIECE OR PARCEL OF LAND SITUATED IN THE
2 TOWNSHIP OF TUNKHANNOCK, COUNTY OF WYOMING AND COMMONWEALTH OF
3 PENNSYLVANIA, MORE PARTICULARLY BOUND AND DESCRIBED AS FOLLOWS:

4 BEGINNING AT A POINT SITUATE AT THE INTERSECTION OF THE
5 COMMON BOUNDARY LINE OF LANDS NOW OR FORMERLY OF J. STARK
6 BARTRON, II & JANE D. BARTRON, HIS WIFE AS DESCRIBED IN RECORD
7 BOOK 282 AT PAGE 440 AND LANDS NOW OR FORMERLY OF THE GENERAL
8 STATE AUTHORITY AS DESCRIBED IN RECORD BOOK 256 AT PAGE 795 AND
9 DEED BOOK 178 AT PAGE 676, SAID POINT BEING IN THE WESTERLY
10 RIGHT-OF-WAY LINE OF STATE HIGHWAY ROUTE 92 (S.R. 0092).

11 THENCE ALONG THE WESTERLY RIGHT-OF-WAY LINE OF STATE ROUTE
12 92, SOUTH 05° 40' EAST A DISTANCE OF 57.68' MORE OR LESS TO A
13 POINT;

14 THENCE THROUGH LANDS NOW OR FORMERLY OF THE GENERAL STATE
15 AUTHORITY, SOUTH 84° 10' 09" WEST A DISTANCE OF 253.98' MORE OR
16 LESS TO A POINT;

17 THENCE THROUGH THE SAME, SOUTH 75° 47' 00" WEST A DISTANCE OF
18 739.44' TO A POINT;

19 THENCE THROUGH THE SAME, SOUTH 51° 44' 36" WEST A DISTANCE OF
20 143.39' TO A POINT IN THE EASTERLY LINE OF LANDS NOW OR FORMERLY
21 OF LEHIGH VALLEY RAILROAD;

22 THENCE ALONG LANDS NOW OR FORMERLY OF LEHIGH VALLEY RAILROAD,
23 NORTH 31° 13' 00" WEST A DISTANCE OF 82.00' TO A COMMON CORNER
24 OF LANDS NOW OR FORMERLY OF J. STARK BARTRON, II & JANE D.
25 BARTRON AND LANDS NOW OR FORMERLY OF THE GENERAL STATE
26 AUTHORITY;

27 THENCE ALONG LANDS NOW OR FORMERLY OF J. STARK BARTRON, II &
28 JANE D. BARTRON, NORTH 75° 47' 00" EAST A DISTANCE OF 1154.20'
29 TO A POINT IN THE WESTERLY RIGHT-OF-WAY LINE OF STATE HIGHWAY
30 ROUTE 92, THE PLACE OF BEGINNING.

1 CONTAINING A TOTAL AREA OF 32,096 SQUARE FEET OR 0.74-ACRES
2 OF LAND, MORE OR LESS.

3 BEING ALL OF THE ACCESS EASEMENT THROUGH LANDS OF THE GENERAL
4 STATE AUTHORITY AS DESCRIBED IN WYOMING COUNTY RECORD BOOK 276
5 AT PAGE 795 AND DEED BOOK 178 AT PAGE 676.

6 ALSO BEING ALL OF THE ACCESS EASEMENT AS DEPICTED IN EX-1,
7 DATED SEPTEMBER 10, 2014 AS PREPARED BY PENNONI ASSOCIATES,
8 INC., 100 NORTH WILKES-BARRE BOULEVARD, SUITE 409, WILKES-BARRE,
9 PA 18702. SAID PLAN ON FILE WITH THE DEPARTMENT OF GENERAL
10 SERVICES.

11 (C) ADJUSTMENTS.--THE LEGAL DESCRIPTION IN SUBSECTION (B)
12 IS PRELIMINARY AND MINOR ADJUSTMENTS CAN BE MADE TO THE FINAL
13 DESCRIPTION WITH THE PRIOR WRITTEN CONSENT OF THE SECRETARY.

14 (D) EXECUTION.--THE EASEMENT AGREEMENT SHALL BE EXECUTED BY
15 THE SECRETARY IN THE NAME OF THE COMMONWEALTH.

16 (E) COSTS AND FEES.--COSTS AND FEES INCIDENTAL TO THE
17 CONVEYANCE OF THE EASEMENT SHALL BE BORNE BY THE GRANTEE.

18 (F) PROCEEDS.--THE DEPARTMENT OF GENERAL SERVICES SHALL
19 UTILIZE THE PROCEEDS FROM THE CONVEYANCE TO REIMBURSE ITSELF FOR
20 COSTS AND FEES IT INCURRED AS A RESULT OF THIS CONVEYANCE. ANY
21 MONEY REMAINING AFTER REIMBURSEMENT TO THE DEPARTMENT OF GENERAL
22 SERVICES SHALL BE DEPOSITED INTO THE AGRICULTURAL FARM
23 OPERATIONS ACCOUNT.

24 (G) EXPIRATION.--IF THE PARTIES HAVE NOT ENTERED INTO AN
25 EASEMENT AGREEMENT WITHIN ONE YEAR OF THE EFFECTIVE DATE OF THIS
26 SECTION, THE AUTHORIZATION CONTAINED IN THIS SECTION SHALL
27 EXPIRE.

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

29 (1) THE FOLLOWING PROVISIONS SHALL TAKE EFFECT
30 IMMEDIATELY:

1 (I) SECTION 1 (TITLE) OF THIS ACT.
2 (II) SECTION 2 (SECTIONS 8, 9 AND 10) OF THIS ACT.
3 (III) THIS SECTION.
4 (IV) THE ADDITION OF SECTIONS 14.3 AND 14.4 OF THE <--
5 ACT.
6 (2) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT IN 60
7 DAYS.