
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 430 Session of
2013

INTRODUCED BY ARGALL, FEBRUARY 5, 2013

REFERRED TO STATE GOVERNMENT, FEBRUARY 5, 2013

AN ACT

1 Authorizing and directing the Department of General Services,
2 with the approval of the Pennsylvania Historical and Museum
3 Commission and the Governor, to grant and convey to the
4 Borough of Ashland or their assigns certain lands situate in
5 the Borough of Ashland, Schuylkill County, Pennsylvania, a
6 portion of which is subject to Project 70 restrictions.

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

9 Section 1. Conveyance in Ashland Borough, Schuylkill County.

10 (a) Authorization.--The Department of General Services, with
11 the approval of the Pennsylvania Historical and Museum
12 Commission and the Governor, is authorized and directed on
13 behalf of the Commonwealth of Pennsylvania to grant and convey
14 to the Borough of Ashland certain land and improvements
15 described in subsection (b).

16 (b) Description of property.--The property to be conveyed
17 pursuant to this section consists of 6.2 acres, more or less,
18 and improvements known as the Museum of Anthracite Mining in the
19 Borough of Ashland, Schuylkill County, Pennsylvania, more
20 particularly bounded and described as follows:

1 Beginning at a point which is the southwest corner of
2 Fifteenth and Pine Streets, thence along the west line of
3 Fifteenth Street and Pine Streets, South 6° 22' East, three
4 hundred (300) feet to a point in the south line of Oak Street,
5 thence along the south line of Oak Street, S. 83° 38' West, five
6 hundred (500) feet to a point which is also the southeast corner
7 of Seventeenth and Oak Streets, thence along the east line of
8 Seventeenth Street South 6° 22' East, one hundred (100) feet to
9 a point, thence South 83° 38' West, three hundred (300) feet to
10 a point in the east line of Eighteenth Street, thence along the
11 east line of Eighteenth Street North 6° 22' West four hundred
12 (400) feet to a point in the south line of Pine Street, and
13 thence along the south line of Pine Street North 83° 38' East
14 eight hundred (800) feet to the place of beginning, containing
15 six and twenty hundredths (6.20) acres as recorded in Deed Book
16 1133, Page 392 and Tax Map and Parcel Numbers 38-06-0397.000,
17 38-06-0398.000, 38-06-0399.000 and 38-06-0401.000.

18 (c) Consideration.--The conveyance authorized by this
19 section shall be made in exchange for \$1, hereby tendered, by
20 special warranty deed, from the Commonwealth of Pennsylvania to
21 the Borough of Ashland, acting by and through its Department of
22 General Services on behalf of the Pennsylvania Historical and
23 Museum Commission.

24 (d) Gaming restriction.--The conveyance authorized by this
25 section shall be made under and subject to the condition, which
26 shall be contained in the deed of conveyance, that no portion of
27 the property conveyed shall be used as a licensed facility, as
28 defined in 4 Pa.C.S. § 1103 (relating to definitions), or any
29 other similar type facility authorized under State law. The
30 condition shall be a covenant running with the land and shall be

1 binding upon the grantee, its successors and assigns. Should the
2 grantee, its successors or assigns permit any portion of the
3 property authorized to be conveyed in this section to be used in
4 violation of this subsection, the title shall immediately revert
5 to and revert in the grantor.

6 (e) Project 70 restriction.--A portion of the land described
7 in subsection (b), consisting of approximately 1.13 acres,
8 continues to be subject to the restrictions under the act of
9 June 22, 1964 (Sp.Sess., P.L.131, No.8), known as the Project 70
10 Land Acquisition and Borrowing Act. Therefore, under section 20
11 of that act, the following clause shall be inserted in the deed
12 of conveyance:

13 "With respect to approximately 1.13 acres of land in the
14 southwest corner of the parcel that is conveyed by this deed,
15 which acreage is contained in Parcel No. 3 described in the deed
16 of conveyance to the Borough of Ashland recorded on May 17,
17 1967, in the Office of Recorder of Deeds in and for Schuylkill
18 County, in Deed Book 1085, page 1037, this indenture is given to
19 provide land for recreation, conservation, and historical
20 purposes, as said purposes are defined in the Project 70 Land
21 Acquisition and Borrowing Act, approved June 22, 1964, P.L.
22 131."

23 (f) Limitation on use.--The following clause shall be
24 inserted in the deed of conveyance:

25 "Under and Subject to the condition that the property
26 conveyed shall be used as a museum and municipal office, and for
27 no other purposes. The condition shall be a covenant running
28 with the land and shall be binding upon the Grantee its
29 successors or assigns. Should the Grantee permit any portion of
30 the property conveyed to be used in violation of this

1 restriction, the title shall immediately revert to and re-vest in
2 the Grantor."

3 (g) Public access condition.--The following clause shall be
4 inserted in the deed of conveyance:

5 "Under and Subject to the condition that the Grantee provides
6 reasonable public access to the building and Premises. The
7 condition shall be a covenant running with the land and shall be
8 binding upon the Grantee, its successors or assigns."

9 (h) Improvements condition.--The following clause shall be
10 inserted in the deed of conveyance:

11 "Under and Subject to the condition that the Grantee
12 maintains and preserves the Premises to ensure that any
13 improvements to the property will be consistent with the
14 continuing use of the property as a museum. Any renovations,
15 additions or alterations, either internal or external, shall be
16 performed in such fashion as to insure that the impression given
17 by the décor of the Premises is that the museum is a significant
18 part thereof. The condition shall be a covenant running with
19 the land and shall be binding upon the Grantee, its successors
20 or assigns."

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

30 (j) Deed of conveyance.--The deed of conveyance authorized

1 under subsection (a) shall be by special warranty deed and shall
2 be executed by the Secretary of General Services in the name of
3 the Commonwealth of Pennsylvania.

4 (k) Costs and fees.--The Grantee shall bear all fees and
5 costs incidental to these conveyances.

6 Section 2. Effective date.

7 This act shall take effect immediately.