

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2664 Session of  
2012

INTRODUCED BY GOODMAN, OCTOBER 2, 2012

REFERRED TO COMMITTEE ON STATE GOVERNMENT, OCTOBER 2, 2012

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, a portion of which  
6 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, more particularly bounded  
20 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 revest 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 revest 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 the  
19 land and shall be binding upon the Grantee, its successors or  
20 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.