

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## HOUSE BILL

No. 2003 Session of  
2015

INTRODUCED BY CUTLER AND KORTZ, APRIL 19, 2016

AS AMENDED ON THIRD CONSIDERATION, IN SENATE, JUNE 15, 2016

## AN ACT

1 Authorizing the Department of General Services, with the  
 2 approval of the Pennsylvania Historical and Museum Commission  
 3 and the Governor, to grant and convey to the Southern  
 4 Lancaster County Historical Society certain lands situate in  
 5 Fulton Township, Lancaster County-; AND AUTHORIZING THE <--  
 6 DEPARTMENT OF GENERAL SERVICES, WITH THE APPROVAL OF THE  
 7 GOVERNOR, TO GRANT AND CONVEY A CERTAIN TRACT OF LAND AND  
 8 IMPROVEMENTS THEREON IN LOWER OXFORD TOWNSHIP, CHESTER  
 9 COUNTY.

10 The General Assembly of the Commonwealth of Pennsylvania  
 11 hereby enacts as follows:

12 Section 1. Conveyance IN FULTON TOWNSHIP, LANCASTER COUNTY. <--

13 (A) AUTHORIZATION.--The Department of General Services, with <--  
 14 the approval of the Pennsylvania Historical and Museum  
 15 Commission and the Governor, is hereby authorized on behalf of  
 16 the Commonwealth to grant and convey to the Southern Lancaster  
 17 County Historical Society certain lands and any improvements  
 18 thereon described under ~~section 2~~ SUBSECTION (B), the property <--  
 19 being known locally as the historic Robert Fulton Birthplace,  
 20 situate in Fulton Township, Lancaster County, for \$1.

21 ~~Section 2. Property description.~~ <--

1 (B) PROPERTY DESCRIPTION.--The property to be conveyed under <--  
2 ~~section 1~~ SUBSECTION (A) consists of 60.357 acres and any <--  
3 improvements located thereon, more particularly described as  
4 follows:

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

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

1 iron pin set; then continuing along the latter and the lands of  
2 Elam K. and Lavina Miller and crossing the Robert Fulton Highway  
3 (SR-0222) North 61° 03' 39" West 1033.00 to an iron pin set;  
4 thence continuing along the latter North 61° 23' 22" West  
5 1056.56' to an existing hickory snag at the corner of the lands  
6 of Christ E. and Sadie E. Stoltzfus; thence along the lands of  
7 Stoltzfus North 11° 57' 33" East 561.00' to a point in an  
8 unnamed stream; thence continuing along the latter North 18° 57'  
9 33" East 681.45' to an iron pin set on the southern edge of  
10 Swift Road (T-468); thence continuing along the latter in and  
11 along Swift Road South 58° 32' 27" East 232.65' to a set mag  
12 nail; thence continuing along the latter and leaving Swift Road  
13 North 15° 05' 15" East 195.32' to an iron pin set at the  
14 southwest corner of lands of the Solanco School District; thence  
15 along the latter South 73° 13' 05" East 792.33' to a set mag  
16 nail in the Robert Fulton Highway (SR-0222), the place of  
17 BEGINNING.

18 CONTAINING 60.357 acres or 2629130 SF.

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

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

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

30 ALSO BEING the same piece or parcel of land acquired by the

1 General State Authority, from the Commonwealth of Pennsylvania,  
2 Department of Property and Supplies, by deed dated November 12,  
3 1968, recorded December 5, 1968, in the Office of the Recorder  
4 of Deeds of Lancaster County in Record Book L, Volume 58, Page  
5 587.

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

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

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

26 ~~Section 3. Requirements for conveyance.~~

<--

27 (C) REQUIREMENTS FOR CONVEYANCE.--The conveyance shall be  
28 made under and subject to all lawful and enforceable easements,  
29 servitudes and rights of others, including, but not limited to,  
30 streets, roadways and rights of any telephone, telegraph, water,

<--

1 electric, gas or pipeline companies, as well as under and  
2 subject to any lawful and enforceable estates or tenancies  
3 vested in third persons appearing of record, for any portion of  
4 the land or improvements erected thereon.

5 ~~Section 4. Condition.~~ <--

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

18 ~~Section 5. Restrictive covenants.~~ <--

19 (E) RESTRICTIVE COVENANTS.--The following restrictive <--  
20 covenants shall be included in the deed of conveyance:

21 Declaration of Restrictive Covenants for Historic Preservation

22 Robert Fulton Birthplace

23 Fulton Township, Lancaster County, Pennsylvania

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

1 restrictions:

2 (A) Maintenance and Preservation. The Robert  
3 Fulton Birthplace shall be maintained and preserved  
4 as a historic site accessible by the public and for a  
5 demonstrable public benefit with maintenance and  
6 preservation standards acceptable to the Pennsylvania  
7 Historical and Museum Commission.

8 (B) Historic Structures. The Robert Fulton  
9 Birthplace, historic structures and buildings that  
10 comprise the property, shall be maintained and  
11 preserved in accordance with the Secretary of the  
12 Interior's Standards for the Treatment of Historic  
13 properties.

14 (C) Landscape. The landscape of the Robert  
15 Fulton Birthplace shall be preserved in a manner  
16 consistent with the historic characteristics of the  
17 subject property and shall not be used in any manner  
18 that would impair or interfere with the historic  
19 interpretation of the subject property.

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

28 (E) Alterations/Modifications/Repairs. With the  
29 prior written approval of the Pennsylvania Historical  
30 and Museum Commission, alterations, modifications,

1 repairs or other work may be permitted to the subject  
2 property, provided:

3 (I) Notice. Timely notice shall be afforded  
4 to the Commission in advance of any such  
5 requested work on the subject property.

6 (II) Time. The Commission shall have 45 days  
7 from the date of receipt of such notice to review  
8 and approve the requested work in writing.

9 Consent shall be implied if the Commission does  
10 not issue a written response approving the  
11 request.

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

21 (I) Archeological Discoveries. In the event  
22 archeological materials are discovered during any  
23 ground disturbing activities, work shall  
24 temporarily cease and the Commission shall be  
25 consulted for guidance and direction before  
26 ground disturbing work may continue.

27 (II) Standards for Archeology. Any  
28 archeological work conducted on the subject  
29 property shall be performed in accordance with  
30 the Secretary of the Interior's Standards and

1 Guidelines for Archeological Documentation and  
2 any further standards and guidelines the  
3 Commission may require.

4 (2) Inspection and Compliance. The Commonwealth of  
5 Pennsylvania, by and through the Pennsylvania Historical and  
6 Museum Commission, reserves the right to enforce these  
7 preservation restrictions and shall, at all reasonable times  
8 and upon reasonable notice, have access to the subject  
9 property for purposes of inspection and compliance with these  
10 historic preservation restrictions.

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

21 (4) Exclusion. The Grantee agrees that the Commonwealth  
22 of Pennsylvania, by and through any of its agencies, in no  
23 way assumes any obligation whatsoever for maintaining,  
24 repairing or administering the subject property covered by  
25 these restrictive covenants for historic preservation.

26 (5) Duration. These restrictive covenants for historic  
27 preservation shall be binding in perpetuity on Grantee, its  
28 heirs, administrators, successors and assigns and shall be  
29 applicable to both the land and buildings and shall be deemed  
30 to run with the land.

1 ~~Section 6. Execution.~~ <--

2 (F) EXECUTION.--The deed of conveyance shall be executed by <--  
3 the Secretary of General Services in the name of the  
4 Commonwealth of Pennsylvania.

5 ~~Section 7. Costs and fees.~~ <--

6 (G) COSTS AND FEES.--Costs and fees incidental to this <--  
7 conveyance shall be borne by the grantee.

8 ~~Section 8. Expiration.~~ <--

9 (H) EXPIRATION.--If the conveyance is not effectuated within <--  
10 one year of the effective date of this ~~act~~ SECTION, the <--  
11 authority under this ~~act~~ SECTION shall expire. <--

12 SECTION 2. CONVEYANCE IN LOWER OXFORD TOWNSHIP, CHESTER COUNTY. <--

13 (A) AUTHORIZATION.--THE DEPARTMENT OF GENERAL SERVICES, WITH  
14 THE APPROVAL OF THE GOVERNOR, IS HEREBY AUTHORIZED ON BEHALF OF  
15 THE COMMONWEALTH OF PENNSYLVANIA TO GRANT AND CONVEY TO WILLOW  
16 CREEK, LLC, THE FOLLOWING TRACT OF LAND, TOGETHER WITH ALL  
17 IMPROVEMENTS THEREON, SITUATE IN LOWER OXFORD TOWNSHIP, CHESTER  
18 COUNTY, FOR \$1,500 AND UNDER TERMS AND CONDITIONS TO BE  
19 ESTABLISHED IN AN AGREEMENT OF SALE.

20 (B) PROPERTY DESCRIPTION.--THE PROPERTY TO BE CONVEYED UNDER  
21 SUBSECTION (A) CONSISTS OF APPROXIMATELY .030 ACRES OF LAND AND  
22 IMPROVEMENTS LOCATED THEREON, BOUNDED AND MORE PARTICULARLY  
23 DESCRIBED AS FOLLOWS:

24 ALL THAT CERTAIN TRACT OF LAND WITH SMALL PUMP HOUSE BUILDING  
25 THEREON ERECTED, SITUATE IN LOWER OXFORD TOWNSHIP, CHESTER  
26 COUNTY, PENNSYLVANIA, BEING MORE PARTICULARLY DESCRIBED AS  
27 FOLLOWS, TO WIT:

28 BEGINNING AT A POINT SET AT THE SOUTHWESTERLY CORNER OF THIS  
29 ABOUT-TO BE-DESCRIBED LEASE BOUNDARY, SAID POINT BEING FORMED BY  
30 THE INTERSECTION OF LINES BEING 10 FEET SOUTH AND PARALLEL TO

1 THE SOUTH WALL OF THE BUILDING HEREON ERECTED AND ALSO BY A LINE  
2 BEING 10 FEET WEST OF THE WEST WALL OF THE BUILDING, SAID POINT  
3 BEING SET THE FOLLOWING TWO COURSES AND DISTANCES FROM A POINT  
4 SET IN THE CENTERLINE OF PUBLIC ROAD T-331 MARKING A CORNER OF  
5 LAND OF ARTHUR WICHART AND A CORNER OF LINCOLN UNIVERSITY: SOUTH  
6 05 DEGREES 16 MINUTES WEST 764.85 FEET TO A CONCRETE MONUMENT,  
7 NORTH 19 DEGREES 50 MINUTES 49 SECONDS EAST, 50.96 FEET TO A  
8 POINT BEING THE PLACE OF BEGINNING; THENCE LEAVING SAID POINT  
9 AND BY OTHER LAND OF LINCOLN UNIVERSITY, OF WHICH THIS WAS A  
10 PART, THE FOLLOWING COURSES AND DISTANCES TO WIT:

11 NORTH 12 DEGREES 17 MINUTES EAST 32.00 FEET TO A POINT  
12 SOUTH 77 DEGREES 43 MINUTES EAST 42.00 FEET TO A POINT  
13 SOUTH 12 DEGREES 17 MINUTES WEST 32.00 FEET TO A POINT  
14 NORTH 77 DEGREES 43 MINUTES WEST 42.00 FEET TO A POINT BEING  
15 THE PLACE OF BEGINNING.

16 CONTAINING .030 ACRES OR 1,344 SQUARE FEET OF LAND BEING THE  
17 SAME MORE OR LESS;

18 BEING PART OF THE SAME PREMISES WHICH LINCOLN UNIVERSITY, A  
19 CORPORATION, BY DEED DATED MARCH 23, 1971, AND RECORDED IN THE  
20 OFFICE OF THE RECORDER OF DEEDS IN AND FOR CHESTER COUNTY,  
21 PENNSYLVANIA IN BOOK V-39, PAGE 767, GRANTED AND CONVEYED UNTO  
22 THE GENERAL STATE AUTHORITY. THE DEPARTMENT OF GENERAL SERVICES  
23 BEING THE LEGAL SUCCESSOR TO THE GENERAL STATE AUTHORITY  
24 PURSUANT TO ACT 45 OF 1975.

25 (C) EASEMENTS.--THE CONVEYANCE SHALL BE MADE UNDER AND  
26 SUBJECT TO ALL LAWFUL AND ENFORCEABLE EASEMENTS, SERVITUDES AND  
27 RIGHTS OF OTHERS, INCLUDING, BUT NOT CONFINED TO, STREETS,  
28 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) COVENANT.--THE DEED OF CONVEYANCE SHALL CONTAIN THE  
4 FOLLOWING COVENANT:

5 "UNDER AND SUBJECT TO THE CONDITION, THAT NO PORTION OF  
6 THE PROPERTY CONVEYED SHALL BE USED AS A LICENSED  
7 FACILITY, AS DEFINED IN 4 PA.C.S. § 1103 (RELATING TO  
8 DEFINITIONS), OR ANY OTHER SIMILAR TYPE OF FACILITY  
9 AUTHORIZED UNDER STATE LAW. THE CONDITION SHALL BE A  
10 COVENANT RUNNING WITH THE LAND AND SHALL BE BINDING UPON  
11 THE BUYER (GRANTEE), ITS SUCCESSORS AND ASSIGNS. SHOULD  
12 THE BUYER (GRANTEE), ITS SUCCESSORS OR ASSIGNS, PERMIT  
13 ANY PORTION OF THE PROPERTY TO BE USED IN VIOLATION OF  
14 THIS RESTRICTION, THE TITLE SHALL IMMEDIATELY REVERT TO  
15 AND REVEST IN THE SELLER (GRANTOR)."

16 (E) DEED.--THE DEED OF CONVEYANCE SHALL BE BY SPECIAL  
17 WARRANTY DEED AND SHALL BE EXECUTED BY THE SECRETARY OF GENERAL  
18 SERVICES IN THE NAME OF THE COMMONWEALTH OF PENNSYLVANIA.

19 (F) PROCEEDS.--THE PROCEEDS FROM THE SALE SHALL BE DEPOSITED  
20 IN THE GENERAL FUND.

21 Section 9 3. Effective date.

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22 This act shall take effect immediately.