

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL  
No. 2561 Session of  
2004

INTRODUCED BY MUNDY, APRIL 13, 2004

AS AMENDED ON THIRD CONSIDERATION, IN SENATE, NOVEMBER 17, 2004

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 Luzerne  
4 County Historical Society, certain lands and building situate  
5 in the Borough of Forty Fort, County of Luzerne, Commonwealth  
6 of Pennsylvania; AND AUTHORIZING THE DEPARTMENT OF GENERAL <—  
7 SERVICES, WITH THE APPROVAL OF THE GOVERNOR, TO GRANT AND  
8 CONVEY, THROUGH COMPETITIVE BIDDING OR PUBLIC AUCTION,  
9 CERTAIN TRACTS OF LAND TOGETHER WITH ANY IMPROVEMENTS THEREON  
10 SITUATE IN THE TWELFTH WARD OF THE CITY OF ALLENTOWN AND IN  
11 SALISBURY TOWNSHIP, LEHIGH COUNTY.

12 The General Assembly of the Commonwealth of Pennsylvania  
13 hereby enacts as follows:

14 ~~Section 1. Authorization.~~ <—

15 ~~The Department of General Services, with the approval of the~~

16 SECTION 1. CONVEYANCE IN FORTY FORT, LUZERNE COUNTY. <—

17 (A) AUTHORIZATION.--THE DEPARTMENT OF GENERAL SERVICES, WITH  
18 THE APPROVAL OF THE Pennsylvania Historical and Museum  
19 Commission and the Governor, is hereby authorized and directed  
20 on behalf of the Commonwealth of Pennsylvania to grant and  
21 convey to Luzerne County Historical Society, for One Dollar,

1 (\$1.00), a tract of land and a building known as the "Dennison  
2 House" as described ~~in section 2~~ SUBSECTION (B). <—

3 ~~Section 2. Description.~~ <—

4 (B) DESCRIPTION.--ALL THAT CERTAIN piece or parcel of land, <—  
5 situate in the Borough of Forty-Fort bounded and described as  
6 follows:

7 BEGINNING AT a corner being the intersection of the Westerly  
8 line of Wyoming Avenue and the Northerly line of Dennison  
9 Street, thence North thirty-nine degrees twenty-two minutes East  
10 along said Wyoming Avenue one-hundred five and ninety-seven one-  
11 hundredths (105.97) feet to a corner, thence North seventy-four  
12 degrees one minute East still along Wyoming Avenue forty-six and  
13 eighty-six one-hundredths (46.86) feet, more or less to a corner  
14 dividing Lots No's 1 and 2 on plot of lots known as Englewood  
15 Terrace, recorded in Luzerne County Map Book No. 2, page 294;

16 THENCE North twelve degrees fifty-six minutes West along said  
17 Lot No. 2 two-hundred ninety-eight and twenty-nine one-  
18 hundredths (298.29) feet to a corner;

19 THENCE North twenty-seven degrees West still along line of  
20 lot No. 2, eighty-five (85) feet to a corner on Englewood  
21 Avenue.

22 THENCE South forty-seven degrees twenty-seven minutes West  
23 eighty-nine (89) feet to a corner in line of Dennison Street;

24 THENCE South twenty-eight degrees forty-four minutes East  
25 along the Northerly line of Dennison Street thirty-nine and  
26 thirteen one-hundredths (39.13) feet;

27 THENCE South six degrees twelve minutes East still along line  
28 of Dennison Street, three hundred sixty-eight and eighty-eight  
29 one-hundredths (368.88) feet to Wyoming Avenue, the place of  
30 beginning.

1 BEING Lot No. 1 on said plot of lots and improved with a  
2 three story single frame dwelling known as 35 Dennison Street,  
3 Forty Fort, Luzerne County, Pennsylvania

4 Together with and subject to all easements, rights,  
5 covenants, appurtenances, exceptions, reservations, restrictions  
6 and conditions contained in prior instruments in the chain of  
7 title.

8 BEING the same premises conveyed by Hugh H. McClelland, Jr.  
9 and Nancy W. McClelland his wife to David M. Ogden and Elizabeth  
10 V.N. Ogden, his wife by deed dated March 5, 1963, recorded in  
11 Luzerne County Deed Book No. 1516, page 939.

12 ~~Section 3. Easements.~~

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13 ~~The conveyance shall be made under and subject to all lawful~~

14 (C) EASEMENTS.--THE CONVEYANCE SHALL BE MADE UNDER AND

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15 SUBJECT TO ALL LAWFUL and enforceable easements, servitudes and  
16 rights of others, including, but not confined to, streets,  
17 roadways and rights of any telephone, telegraph, water,  
18 electric, gas or pipeline companies, as well as under and  
19 subject to any lawful and enforceable estates or tenancies  
20 vested in third persons appearing of record, for any portion of  
21 the land or improvements erected thereon.

22 ~~Section 4. Execution.~~

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23 ~~The deed of conveyance shall be by Special Warranty Deed and~~

24 (D) EXECUTION.--THE DEED OF CONVEYANCE SHALL BE BY SPECIAL  
25 WARRANTY DEED AND shall be executed by the Secretary of General  
26 Services in the name of the Commonwealth of Pennsylvania.

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27 ~~Section 5. Reversion.~~

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28 ~~The deed of conveyance shall contain a clause that the~~

29 (E) REVERSION.--THE DEED OF CONVEYANCE SHALL CONTAIN A  
30 CLAUSE THAT THE property conveyed herein shall be used for

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1 educational or historical exhibition/public purposes only.  
2 Should the Grantee allow the property conveyed to be used for  
3 any other purpose or attempts to convey the Premises, title  
4 shall immediately revert to and revest in the Grantor. However,  
5 the Grantor and Grantee, or their successors and assigns, agree  
6 that should the within named Grantee, or its successors,  
7 dissolve or cease to remain in existence, then the Grantee, or  
8 its successors, may allow title to the above-described real  
9 estate to be conveyed to a successor organization that has the  
10 same objectives, purposes and goals as the Grantee, said  
11 conveyance to be subject to the other covenants and restrictions  
12 set forth in this deed.

13 ~~Section 6. Restrictions.~~

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14 ~~The deed of conveyance shall contain a clause that requires~~

15 (F) RESTRICTIONS.--THE DEED OF CONVEYANCE SHALL CONTAIN A

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16 CLAUSE THAT REQUIRES the Grantee to maintain and preserve the  
17 Premises by ensuring that any improvements to the property are  
18 compatible with its original architectural design and

19 landscape/site plan in terms of scale, massing, fenestration,

20 materials and color, and is consistent with the recommended

21 approaches in the Secretary of the Interior's Standards for

22 Rehabilitation and Guidelines for Rehabilitating Historic

23 Buildings, as revised in 1995. Further, no new construction,

24 demolition, alteration, remodeling or landscaping/site work

25 shall be undertaken or permitted to be undertaken on the

26 property without the prior written approval of the Pennsylvania

27 Historical and Museum Commission.

28 ~~Section 7. Costs and fees.~~

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29 ~~Costs and fees incidental to this conveyance shall be borne~~

30 (G) COSTS AND FEES.--COSTS AND FEES INCIDENTAL TO THIS

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1 CONVEYANCE SHALL BE BORNE by the Grantee.

2 SECTION 2. CONVEYANCE IN ALLENTOWN AND SALISBURY TOWNSHIP, <—  
3 LEHIGH COUNTY.

4 (A) AUTHORIZATION.--THE DEPARTMENT OF GENERAL SERVICES, WITH  
5 THE APPROVAL OF THE GOVERNOR, IS HEREBY AUTHORIZED ON BEHALF OF  
6 THE COMMONWEALTH OF PENNSYLVANIA TO GRANT AND CONVEY, AT A PRICE  
7 TO BE DETERMINED THROUGH COMPETITIVE BIDDING OR PUBLIC AUCTION,  
8 CERTAIN LAND TOGETHER WITH ANY IMPROVEMENTS THEREON DESCRIBED IN  
9 SUBSECTION (B). THE TRACTS MAY BE OFFERED FOR SALE TOGETHER OR  
10 SEPARATELY.

11 (B) DESCRIPTION.--THE PROPERTY TO BE CONVEYED PURSUANT TO  
12 THIS SECTION CONSISTS OF TWO TRACTS OF LAND BOUNDED AND  
13 DESCRIBED AS FOLLOWS:

14 TRACT 1

15 ALL THAT CERTAIN PARCEL OF LAND TOGETHER WITH ANY  
16 IMPROVEMENTS THEREON SITUATE IN THE TWELFTH WARD OF THE CITY OF  
17 ALLENTOWN BOUNDED AND DESCRIBED AS FOLLOWS:

18 BEGINNING AT A POINT, SAID POINT BEING NORTH 89 DEGREES 44  
19 MINUTES EAST, 235.00 FEET FROM THE CENTER LINE OF LEHIGH STREET,  
20 OR STATE HIGHWAY ROUTE 158 AT STATION 522-80.70; THENCE ALONG  
21 PROPERTY OF THE COMMONWEALTH OF PENNSYLVANIA, NORTH 89 DEGREES  
22 44 MINUTES EAST, A DISTANCE OF 300.00 FEET TO AN IRON PIN;  
23 THENCE ALONG PROPERTY NOW OR LATE OF EDWARD N. KRONINGER, JR.,  
24 ET.AL., SOUTH 00 DEGREES 16 MINUTES EAST, A DISTANCE OF 119.06  
25 FEET TO THE CENTER LINE OF VULTEE STREET, THENCE ALONG THE  
26 CENTER LINE OF VULTEE STREET, SOUTH 74 DEGREES 59 MINUTES WEST,  
27 A DISTANCE OF 310.22 FEET TO A POINT IN THE CENTER LINE OF  
28 VULTEE STREET; THENCE ALONG PROPERTY NOW OR LATE OF EDWARD N.  
29 KRONINGER, JR., ET.AL, NORTH 00 DEGREES 16 MINUTES WEST, A  
30 DISTANCE OF 198.4 FEET TO THE PLACE OF BEGINNING.

1       CONTAINING 4.2471-ACRES, MORE OR LESS.

2       BEING THE SAME PROPERTY CONVEYED TO THE COMMONWEALTH OF  
3   PENNSYLVANIA BY AN INDENTURE FROM BERTHA M. KRONINGER, WIDOW,  
4   AND RICHARD P. KRONINGER, EXECUTORS OF THE LAST WILL AND  
5   TESTAMENT OF EDWARD N. KRONINGER, JR., DATED APRIL 29, 1964 AND  
6   RECORDED IN THE LEHIGH COUNTY RECORDER OF DEEDS IN DEED BOOK  
7   VOLUME 1059, PAGE 328.

8                               TRACT 2

9       ALL THAT CERTAIN PARCEL OF LAND TOGETHER WITH ANY  
10   IMPROVEMENTS THEREON SITUATE IN THE TWELFTH WARD OF THE CITY OF  
11   ALLENTOWN AND SALISBURY TOWNSHIP DESCRIBED IN A PLOT PLAN  
12   RECORDED IN THE LEHIGH COUNTY RECORDER OF DEEDS OFFICE IN MAP  
13   RACK 5, SHEET 73 OF 78.

14       CONTAINING 1.468-ACRES, MORE OR LESS.

15       BEING THE SAME PROPERTY ACQUIRED BY THE COMMONWEALTH OF  
16   PENNSYLVANIA IN A NOTICE OF CONDEMNATION DATED AUGUST 25, 1986,  
17   RECORDED IN THE LEHIGH COUNTY RECORDER OF DEEDS IN DEED BOOK  
18   VOLUME 519, PAGE 1002.

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

27       (D)   EXECUTION.--THE DEEDS OF CONVEYANCE SHALL BE BY SPECIAL  
28   WARRANTY DEED AND SHALL BE EXECUTED BY THE SECRETARY OF GENERAL  
29   SERVICES IN THE NAME OF THE COMMONWEALTH OF PENNSYLVANIA.

30       (E)   PROCEEDS.--THE PROCEEDS FROM THE SALE OF LANDS UNDER

1 THIS SECTION SHALL BE DEPOSITED INTO THE CAPITAL FACILITIES  
2 FUND. THE FUNDS SHALL BE UTILIZED BY THE DEPARTMENT OF GENERAL  
3 SERVICES TO ACQUIRE AND RENOVATE, OR CONSTRUCT REPLACEMENT  
4 FACILITIES FOR THE DEPARTMENT OF TRANSPORTATION'S ENGINEERING  
5 DISTRICT 5-0. ANY FUNDS REMAINING FOLLOWING THE ACQUISITION AND  
6 RENOVATION, OR CONSTRUCTION OF REPLACEMENT FACILITIES SHALL BE  
7 TRANSFERRED TO THE GENERAL FUND.

8 SECTION 8 3. EFFECTIVE DATE.

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9 THIS ACT SHALL TAKE EFFECT IMMEDIATELY.