

THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 2034 Session of  
2015

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INTRODUCED BY A. HARRIS, MAY 2, 2016

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REFERRED TO COMMITTEE ON STATE GOVERNMENT, MAY 2, 2016

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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 Juniata County  
4 Historical Society certain lands situate in Beale Township,  
5 Juniata County.

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

8 Section 1. Authorization for conveyance.

9 The Department of General Services, with the approval of the  
10 Pennsylvania Historical and Museum Commission and the Governor,  
11 is hereby authorized on behalf of the Commonwealth to grant and  
12 convey to the Juniata County Historical Society certain lands  
13 and any improvements thereon described under section 2, the  
14 property being known locally as the historic Tuscarora Academy,  
15 situate in Beale Township, Juniata County, for \$1.

16 Section 2. Property description.

17 The property to be conveyed under section 1 consists of 0.24  
18 acres and any improvements located thereon, more particularly  
19 described as follows:

20 ALL THAT CERTAIN tract of land situate in Beale Township,

1 Juniata County, Commonwealth of Pennsylvania, bounded and  
2 described as follows, to wit:

3 BEGINNING in the center of the road and on line of the  
4 Academy lot; thence along said lot south 71 degrees west, 9 rods  
5 to a post; thence along the residue of the tract north 12  
6 degrees west, 5.5 rods to a post; thence by the same north 81 $\frac{1}{2}$   
7 degrees east 7.1 rods to a post in road; thence along said road  
8 south 36 $\frac{1}{2}$  degrees east 4.5 rods to a post, the place of  
9 BEGINNING.

10 CONTAINING 0.24 acres more or less, together with  
11 improvements erected thereon.

12 BEING the same tract of land acquired by the Commonwealth of  
13 Pennsylvania, from the Congregation of the Lower Tuscarora  
14 Presbyterian Church by deed dated February 26, 1962 and recorded  
15 March 9, 1962 in the Office of the Recorder of Deeds of Juniata  
16 County, Pennsylvania, in Deed Book 96, Page 245.

17 BEING Tax Parcel No. 1-8-15-E001.

18 Section 3. Conveyance requirements.

19 The conveyance authorized under this act shall be made under  
20 and subject to all lawful and enforceable easements, servitudes  
21 and 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 Section 4. Condition.

28 Any conveyance authorized under this act shall be made under  
29 and subject to the condition, which shall be contained in the  
30 deed of conveyance, that no portion of the property conveyed

1 shall be used as a licensed facility, as defined in 4 Pa.C.S. §  
2 1103 (relating to definitions), or any other similar type of  
3 facility authorized under State law. The condition shall be a  
4 covenant running with the land and shall be binding upon the  
5 grantee and its successors. Should the grantee or its successors  
6 permit any portion of the property authorized to be conveyed in  
7 this act to be used in violation of this section, the title  
8 shall immediately revert to and revest in the grantor.

9 Section 5. Restrictive covenants

10 The following restrictive covenants shall be included in the  
11 deed of conveyance:

12 Declaration of Restrictive Covenants for Historic Preservation  
13 Tuscarora Academy

14 Beale Township, Juniata County, Pennsylvania

15 (1) Covenants. In consideration of the conveyance of the  
16 aforementioned real property, Grantee covenants and agrees for  
17 itself, its heirs, administrators, successors, and assigns that  
18 the said herein conveyed property shall be subject to the  
19 following historic preservation restrictions, and shall do or  
20 refrain from doing with respect to the subject property all acts  
21 required or prohibited by the following preservation  
22 restrictions:

23 (A) Maintenance and Preservation. The Tuscarora  
24 Academy shall be maintained and preserved as a  
25 historic site accessible by the public and for a  
26 demonstrable public benefit with maintenance and  
27 preservation standards acceptable to the Pennsylvania  
28 Historical and Museum Commission.

29 (B) Historic Structures. The Tuscarora Academy,  
30 historic structures and buildings that comprise the

1                   property, shall be maintained and preserved in  
2                   accordance with the Secretary of the Interior's  
3                   Standards for the Treatment of Historic Properties.

4                   (C) Landscape. The landscape of the Tuscarora  
5                   Academy shall be preserved in a manner consistent  
6                   with the historic characteristics of the subject  
7                   property and shall not be used in any manner that  
8                   would impair or interfere with the historic  
9                   interpretation of the subject property.

10                  (D) Prohibited Uses. No construction,  
11                  alteration, rehabilitation, remodeling, demolition,  
12                  site development, ground disturbance, removal of  
13                  buildings, addition of buildings, or use inconsistent  
14                  with this covenant, or any other action, shall be  
15                  undertaken or permitted to the subject property  
16                  without the prior written approval of the  
17                  Pennsylvania Historical and Museum Commission.

18                  (E) Alterations/Modifications/Repairs. With the  
19                  prior written approval of the Pennsylvania Historical  
20                  and Museum Commission, alterations, modifications,  
21                  repairs, or other work may be permitted to the  
22                  subject property, provided:

23                   (I) Notice. Timely notice shall be afforded  
24                   to the Commission in advance of any such  
25                   requested work on the subject property.

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

29                   Consent shall be implied if the Commission does  
30                   not issue a written response approving the

1 request.

2 (F) Archeology and other Ground Disturbing  
3 Activities. Mining, excavating, dredging, or removing  
4 from the subject property any natural resource which  
5 removal would alter the historic value of the  
6 property is prohibited without the prior written  
7 approval of the Commission. Archeological  
8 investigation may be required by the Commission for  
9 any ground disturbing work and Grantee shall bear  
10 full financial responsibility for any such work. The  
11 following shall apply:

12 (I) Archeological discoveries. In the event  
13 archeological materials are discovered during any  
14 ground disturbing activities, work shall  
15 temporarily cease and the Commission shall be  
16 consulted for guidance and direction before  
17 ground disturbing work may continue.

18 (II) Standards for Archeology. Any  
19 archeological work conducted on the subject  
20 property shall be performed in accordance with  
21 the Secretary of the Interior's Standards and  
22 Guidelines for Archeological Documentation and  
23 any further standards and guidelines the  
24 Commission may require.

25 (2) Inspection and Compliance. The Commonwealth of  
26 Pennsylvania, by and through the Pennsylvania Historical and  
27 Museum Commission, reserves the right to enforce these  
28 preservation restrictions and shall, at all reasonable times  
29 and upon reasonable notice, have access to the subject  
30 property for purposes of inspection and compliance with these

1           historic preservation restrictions.

2           (3) Right of Reverter. The Commonwealth of Pennsylvania,  
3 by and through the Pennsylvania Historical and Museum  
4 Commission, hereby reserves for itself, heirs, successors,  
5 and assigns, a right of reverter on the Tuscarora Academy,  
6 which shall revert to and reinvest in the Commonwealth by  
7 operation of law should any sale, transfer, or use of the  
8 Tuscarora Academy be inconsistent with or in violation of the  
9 restrictions contained herein. The Commission may waive this  
10 provision provided Grantee petitions the Commission, in  
11 writing, for such waiver.

12         (4) Exclusion. Grantee agrees that the Commonwealth of  
13 Pennsylvania, by and through any of its agencies, in no way  
14 assumes any obligation whatsoever for maintaining, repairing,  
15 or administering the subject property covered by these  
16 restrictive covenants for historic preservation.

17         (5) Duration. These restrictive covenants for historic  
18 preservation shall be binding in perpetuity on Grantee, its  
19 heirs, administrators, successors, and assigns and shall be  
20 applicable to both the land and buildings and shall be deemed  
21 to run with the land.

22 Section 6. Execution.

23         The deed of conveyance shall be executed by the Secretary of  
24 General Services in the name of the Commonwealth of  
25 Pennsylvania.

26 Section 7. Costs and fees.

27         Costs and fees incidental to this conveyance shall be borne  
28 by the grantee.

29 Section 8. Expiration.

30         If the conveyance authorized under this act is not

1 effectuated within one year of the effective date of this act,  
2 the authority provided under this act shall expire.  
3 Section 9. Effective date.  
4 This act shall take effect immediately.