

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2035 Session of  
2015

INTRODUCED BY A. HARRIS, MAY 2, 2016

REFERRED TO COMMITTEE ON STATE GOVERNMENT, MAY 2, 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 Mifflin County  
4 Historical Society certain lands situate in the Borough of  
5 Lewistown, Mifflin County.

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

8 Section 1. 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 Mifflin County Historical Society certain lands  
13 and any improvements thereon described under section 2, the  
14 property being known locally as the historic McCoy House situate  
15 in the Borough of Lewistown, Mifflin County, for \$1.

16 Section 2. Property description.

17 The property to be conveyed under section 1 consists of 0.08  
18 acres, including any improvements located thereon, more  
19 particularly described as follows:

20 ALL THAT CERTAIN house and lot of ground situate in the

Borough of Lewistown, Mifflin County, Pennsylvania, on the West side of N. Main Street, bounded and described as follow, to wit:

On the North East by N/F Caroline Russ; on the South East by an alley; on the South West by a public alley and on the North West by N. Main Street on which is erected a two story brick dwelling house and other improvements.

BEING the same tract of land acquired by the Commonwealth of Pennsylvania, from Hanna J. McCoy, and the heirs, Executors, Administrators and assigns of Margaretta McCoy, deceased, pursuant to Declaration of Taking, filed in the Office of the Prothonotary of the Court of Common Pleas of Mifflin County on October 21, 1967, at No. 267 October Term 1967, with notice of the Declaration of Taking recorded at the Office of the Recorder of Deeds of Mifflin County at Deed Book 175, Page 296.

BEING Parcel No. 03,02-0120--,000.

Section 3. Requirements for conveyance.

The conveyance shall be made under and subject to all lawful and enforceable easements, servitudes and rights of others, including, but not confined to, streets, roadways and rights of any telephone, telegraph, water, electric, gas or pipeline companies, as well as under and subject to any lawful and enforceable estates or tenancies vested in third persons appearing of record, for any portion of the land or improvements erected thereon.

Section 4. Condition.

Any conveyance authorized under this act shall be made under and subject to the condition, which shall be contained in the deed of conveyance, that no portion of the property conveyed shall be used as a licensed facility, as defined in 4 Pa.C.S. § 1103 (relating to definitions), or any other similar type of

1 facility authorized under State law. The condition shall be a  
2 covenant running with the land and shall be binding upon the  
3 grantee and its successors. Should the grantee, or its  
4 successors, permit any portion of the property authorized to be  
5 conveyed in this act to be used in violation of this section,  
6 the title shall immediately revert to and revest in the grantor.  
7 Section 5. Restrictive covenants.

8 The following restrictive covenants shall be included in the  
9 deed of conveyance:

10 Declaration of Restrictive Covenants for Historic Preservation

11 McCoy House

12 Borough of Lewistown, Mifflin County, Pennsylvania

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

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

27 (B) Historic Structures. The McCoy House,  
28 historic structures and buildings that comprise the  
29 property, shall be maintained and preserved in  
30 accordance with the Secretary of the Interior's

Standards for the Treatment of Historic Properties.

(C) Landscape. The landscape of the McCoy House shall be preserved in a manner consistent with the historic characteristics of the subject property and shall not be used in any manner that would impair or interfere with the historic interpretation of the subject property.

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

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

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

(II) Time. The Commission shall have 45 days from the date of receipt of such notice to review and approve the requested work in writing. Consent shall be implied if the Commission does not issue a written response approving the request.

(F) Archeology and other Ground Disturbing

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

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

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

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

30 (3) Right of Reverter. The Commonwealth of Pennsylvania,

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

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

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

20 Section 6. Execution.

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

24 Section 7. Costs and fees.

25 Costs and fees incidental to this conveyance shall be borne  
26 by the grantee.

27 Section 8. Expiration.

28 If the conveyance authorized under this act is not  
29 effectuated within one year of the effective date of this act,  
30 the authority provided under this act shall expire.

1 Section 9. Effective date.

2 This act shall take effect immediately.