

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

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**HOUSE BILL****No. 223** Session of  
2019

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INTRODUCED BY PICKETT AND KORTZ, JANUARY 28, 2019

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AS AMENDED ON THIRD CONSIDERATION, IN SENATE, JUNE 3, 2019

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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 French Azilum, Inc.,  
4 certain lands situate in Asylum Township, Bradford County.

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

7 Section 1. Conveyance in Asylum Township, Bradford County.

8 (a) Authorization for conveyance.--The Department of General  
9 Services, with the approval of the Pennsylvania Historical and  
10 Museum Commission and the Governor, is hereby authorized on  
11 behalf of the Commonwealth to grant and convey to French Azilum,  
12 Inc., certain lands and any improvements thereon described under  
13 subsection (b), the property being known locally as French  
14 Azilum Historic Site, situate in Asylum Township, Bradford  
15 County, for \$1.

16 (b) Property description.--The property to be conveyed under  
17 subsection (a) consists of 22.83 acres, including any  
18 improvements located thereon, more particularly described as  
19 follows:

TRACT 1

ALL THAT CERTAIN tract of land situated in Asylum Township, Bradford County, Pennsylvania in accordance with a plan entitled Lots #1 & #2 for the Commonwealth of Pennsylvania, prepared by Steven L. Shaylor, dated December 29, 1982, known as Lot #1, being more fully bounded and described as follows:

BEGINNING at a point is stonewall, said point being a point in common with the lands now or formerly of Robert J. & Geraldine Mosier, now or formerly French Azilum Inc. and Lot #1 as identified on said Plan.

Thence along north eastern property line now or formerly of Robert J. & Geraldine Mosier the following four (4) courses and distances:

1. N 69° 27' 24" W a distance of 575.52 feet to a pin set;

2. Thence N 22° 39' 35" E for a distance of 267.08 feet to a point at the end of stonewall;

3. Thence N 25° 26' 47" E for a distance of 704.57 feet to a pin set;

4. Thence N 25° 26' 47" E for a distance of 45.00 feet to point on the low water mark of the western bank of the Susquehanna River;

Thence along the low water mark of the western bank of the Susquehanna River; S 42° 18' 43" E a distance of 395.76 feet to point on the low water mark of the western bank of the Susquehanna River; said point being a point in common with now or formally French Azilum Inc. and Lot #1;

Thence along the common line between now or formerly French Azilum Inc. and Lot #1, S 09° 32' 29" W a distance of 803.08 feet to point, said point being the point of BEGINNING.

1 CONTAINING: 408,351.20 Square Feet or 9.37 Acres.

2 BEING the same tract of land acquired by the Commonwealth of  
3 Pennsylvania, pursuant to Declaration of Taking, filed in the  
4 Office of the Prothonotary of the Court of Common Pleas of  
5 Bradford County on September 24, 1968, at No. 475A, July Term  
6 1968, with a notice of the Declaration of Taking recorded at the  
7 Office of the Recorder of Deeds of Bradford County at Book 591,  
8 Page 604.

9 BEING Parcel Tax ID No. 04-088.00-004-000 000.

10 TRACT 2

11 ALL THAT CERTAIN tract of land situated in Asylum Township,  
12 Bradford County, Pennsylvania in accordance with a plan entitled  
13 Lots #1 & #2 for the Commonwealth of Pennsylvania, prepared by  
14 Steven L. Shaylor, dated December 29, 1982, known now or  
15 formerly as French Azilum Inc., being more fully bounded and  
16 described as follows:

17 BEGINNING at a point is stonewall, said point being a point  
18 in common with the lands now or formerly of Robert J. &  
19 Geraldine Mosier, now or formerly French Azilum Inc. and Lot #1  
20 as identified on said Plan;

21 Thence along the common property line of Lot #1 and now or  
22 formerly French Azilum Inc. Tract N 09° 32' 29" E a distance of  
23 803.08 feet to point on the low water mark of the western bank  
24 of the Susquehanna River; said point being a point in common  
25 with now or formerly French Azilum Inc. and Lot #1;

26 Thence along the western bank of the Susquehanna River the  
27 following two (2) courses and distances:

28 1. S 42° 18' 43" E a distance of 416.83 feet to a point;

29 2. Thence S 38° 27' 47" E for a distance of 350.60 feet  
30 to a point on the low water mark of the western bank of the

1 Susquehanna River; said point also being a point in common with  
2 the lands now or formerly of Francis L. Hagerman;

3 Thence along the lands now or formerly of Francis L. Hagerman  
4 the following two (2) courses and distances:

5 1. S 62° 30' 25" W a distance of 86.62 feet to a found  
6 pin;

7 2. Thence S 27° 52' 13" E for a distance of 220.29 feet  
8 to a point, said point also being a point in common with the  
9 lands now or formerly of Robert J. & Geraldine Mosier;

10 Thence along the lands now or formerly of Robert J. &  
11 Geraldine Mosier the following four (4) courses and distances:

12 1. S 61° 44' 40" W a distance of 72.25 feet to a set pin;

13 2. Thence S 22° 45' 20" E a distance of 78.00 feet to a  
14 set pin;

15 3. Thence S 61° 44' 40" W a distance of 105.00 feet to a  
16 set pin;

17 4. Thence S 17° 15' 20" E for a distance of 126.00 feet  
18 to a 36" Oak, said point also being a point in common with the  
19 northern line of T-458 (Queens Road);

20 Thence along the northern line of T-458 (Queens Road) S 64°  
21 52' 09" W a distance of 142.89 feet to a set pin said point  
22 being a point in common with Lot #2;

23 Thence along Lot #2 the following four (4) courses and  
24 distances:

25 1. N 25° 17' 46" W a distance of 163.79 feet to a point;

26 2. Thence S 64° 52' 20" W a distance of 175.18 feet to a  
27 point;

28 3. Thence S 53° 20' 40" W a distance of 82.83 feet to a  
29 point;

30 4. Thence S 23° 45' 40" E for a distance of 156.05 feet

1 to a found pin, said point also being a point in common with  
2 the northern line of T-458 (Queens Road);

3 Thence along the northern line of T-458 (Queens Road) Tract S  
4 65° 54' 40" W a distance of 341.90 feet to a found pin, said  
5 point being a point in common with the lands now or formerly of  
6 Robert J. & Geraldine Mosier;

7 Thence along the line of lands now or formerly of Robert J. &  
8 Geraldine Mosier; N 09° 32' 29" E a distance of 629.20 feet to  
9 point in a stonewall, said point being the point of BEGINNING.

10 CONTAINING: 543,011.34 Square Feet or 12.47 Acres.

11 BEING the same tract of land acquired by the Commonwealth of  
12 Pennsylvania, pursuant to Declaration of Taking, filed in the  
13 Office of the Prothonotary of the Court of Common Pleas of  
14 Bradford County on September 24, 1968, at No. 475B, July Term  
15 1968, with a notice of the Declaration of Taking recorded at the  
16 Office of the Recorder of Deeds of Bradford County on October  
17 22, 1968 at Book 591, Page 607.

18 BEING Parcel Tax ID No. 04-088.00-005-000 000.

19 TRACT 3

20 ALL THAT CERTAIN tract of land situated in Asylum Township,  
21 Bradford County, Pennsylvania in accordance with a plan entitled  
22 Lots #1 & #2 for the Commonwealth of Pennsylvania, prepared by  
23 Steven L. Shaylor, dated December 29, 1982, known as Lot #2,  
24 being more fully bounded and described as follows:

25 BEGINNING at a found pin, said point being a point in common  
26 with the northern line of T-458 (Queens Road) and the lands now  
27 or formally French Azilum Inc.;

28 Thence along the lands now or formerly of French Azilum Inc.  
29 the following four (4) courses and distances:

30 1. N 23° 45' 40" W a distance of 156.05 feet to a point;

1        2. Thence N 53° 20' 40" E a distance of 82.83 feet to a  
2 point;

3        3. Thence N 64° 52' 20" E a distance of 175.18 feet to a  
4 point;

5        4. Thence S 25° 17' 46" E a distance of 163.79 feet to a  
6 point, said point also being a point in common with the northern  
7 line of T-458 (Queens Road);

8        Thence along the northern line of T-458 (Queens Road) the  
9 following two (2) courses and distances:

10       1.        S 62° 03' 37" W a distance of 200.79 feet to set pin;

11       2.        Thence S 65° 54' 40" W a distance of 60.00 feet to a  
12 found pin; said point being the point of BEGINNING.

13       CONTAINING: 43,160.69 Square Feet or 0.99 Acres.

14       BEING a portion of Parcel Tax ID No. 04-088.00-005-000 000.

15       (c) Requirement for conveyance.--The conveyance authorized  
16 under this section shall be made under and subject to all lawful  
17 and enforceable easements, servitudes and rights of others,  
18 including, but not limited to, streets, roadways and rights of  
19 any telephone, telegraph, water, electric, gas or pipeline  
20 companies, as well as under and subject to any lawful and  
21 enforceable estates or tenancies vested in third persons  
22 appearing of record, for any portion of the land or improvements  
23 erected thereon.

24       (d) Condition.--The conveyance authorized under this section  
25 shall be made under and subject to the condition, which shall be  
26 contained in the deed of conveyance, that no portion of the  
27 property conveyed shall be used as a licensed facility, as  
28 defined under 4 Pa.C.S. § 1103 (relating to definitions), or any  
29 other similar type of facility authorized under State law. The  
30 condition shall be a covenant running with the land and shall be

1 binding upon the grantee and its successors. Should the grantee,  
2 or its successors, permit any portion of the property authorized  
3 to be conveyed under this section to be used in violation of  
4 this subsection, the title shall immediately revert to and  
5 revest in the grantor.

6 (e) Restrictive covenants.--The following restrictive  
7 covenants shall be included in the deed of conveyance:

8 The French Azilum property was developed with grant funds  
9 provided by the Pennsylvania Department of Conservation and  
10 Natural Resources (hereafter referred to as "the department").

11 The source of the funds is the ~~Environmental Stewardship Fund~~ <--

12 ~~established by 27 Pa.C.S. Ch.61 (relating to environmental~~

13 ~~stewardship and protection)~~ ACT OF JUNE 22, 1964 (SP. SESS., <--

14 P.L.131, NO.8), KNOWN AS THE PROJECT 70 LAND ACQUISITION AND  
15 BORROWING ACT. This property, or any portion of it, may not be

16 converted to purposes other than those authorized under 27- <--

17 ~~Pa.C.S. Ch.61~~ SECTION 20(B) OF THE PROJECT 70 LAND ACQUISITION <--

18 AND BORROWING ACT. The Pennsylvania Historical and Museum  
19 Commission's responsibilities established under Article XVIII

20 (Acknowledgement of Assistance), Article XIX (Maintenance and  
21 Open Use Responsibilities), Article XX (Nondiscrimination

22 Regarding Access/Residency) and Article XXI (Ownership and  
23 Control; Non-Conversion of Use) of the department grant

24 agreement shall be performed by the grantee in perpetuity.

25 Declaration of Restrictive Covenants for Historic Preservation  
26 French Azilum, Asylum Township, Bradford County, Pennsylvania

27 (1) Covenants. In consideration of the conveyance of the

28 aforementioned real property, Grantee covenants and agrees

29 for itself, its heirs, administrators, successors, and

30 assigns that the said herein conveyed property shall be

1 subject to the following historic preservation restrictions,  
2 and shall do or refrain from doing with respect to the  
3 subject property all acts required or prohibited by the  
4 following preservation restrictions:

5 (A) Maintenance and Preservation. French Azilum  
6 shall be maintained and preserved as a historic site  
7 accessible by the public and for a demonstrable  
8 public benefit with maintenance and preservation  
9 standards acceptable to the Pennsylvania Historical  
10 and Museum Commission.

11 (B) Historic Structures. French Azilum, the  
12 historic structures and buildings that comprise the  
13 property, shall be maintained and preserved in  
14 accordance with the Secretary of the Interior's  
15 Standards for the Treatment of Historic Properties.

16 (C) Landscape. The landscape of French Azilum  
17 shall be preserved in a manner consistent with the  
18 historic characteristics of the subject property and  
19 shall not be used in any manner that would impair or  
20 interfere with the historic interpretation of the  
21 subject property.

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

30 (E) Alterations/Modifications/Repairs. With the



1 prior written approval of the Pennsylvania Historical  
2 and Museum Commission, alterations, modifications,  
3 repairs or other work may be permitted to the subject  
4 property, provided:

5 (I) Notice. Timely notice shall be afforded  
6 to the Pennsylvania Historical and Museum  
7 Commission in advance of any such requested work  
8 on the subject property.

9 (II) Time. The Pennsylvania Historical and  
10 Museum Commission shall have 45 days from the  
11 date of receipt of such notice to review and  
12 approve the requested work in writing. Consent  
13 shall be implied if the Pennsylvania Historical  
14 and Museum Commission does not issue a written  
15 response approving the request.

16 (F) Archeology and other Ground Disturbing  
17 Activities. Mining, excavating, dredging or removing  
18 from the subject property any natural resource which  
19 would alter the historic value of the property is  
20 prohibited without the prior written approval of the  
21 Pennsylvania Historical and Museum Commission.  
22 Archeological investigation may be required by the  
23 Pennsylvania Historical and Museum Commission for any  
24 ground disturbing work and Grantee shall bear full  
25 financial responsibility for any such work. The  
26 following shall apply:

27 (I) Archeological Discoveries. In the event  
28 that archeological materials are discovered  
29 during any ground disturbing activities, work  
30 shall temporarily cease and the Pennsylvania

1 Historical and Museum Commission shall be  
2 consulted for guidance and direction before  
3 ground disturbing work may continue.

4 (II) Standards for Archeology. Any  
5 archeological work conducted on the subject  
6 property shall be performed in accordance with  
7 the Secretary of the Interior's Standards and  
8 Guidelines for Archeological Documentation and  
9 any further standards and guidelines the  
10 Pennsylvania Historical and Museum Commission may  
11 require.

12 (2) Inspection and Compliance. The Commonwealth of  
13 Pennsylvania, by and through the Pennsylvania Historical and  
14 Museum Commission, reserves the right to enforce these  
15 preservation restrictions and shall, at all reasonable times  
16 and upon reasonable notice, have access to the subject  
17 property for purposes of inspection and compliance with these  
18 historic preservation restrictions.

19 (3) Right of Reverter. The Commonwealth of Pennsylvania,  
20 by and through the Pennsylvania Historical and Museum  
21 Commission, hereby reserves for itself, and its heirs,  
22 successors and assigns, a right of reverter on French Azilum,  
23 which shall revert to and reinvest in the Commonwealth by  
24 operation of law should any sale, transfer, or use of French  
25 Azilum be inconsistent with or in violation of the  
26 restrictions contained herein. The Pennsylvania Historical  
27 and Museum Commission, with the concurrence of the Department  
28 of Conservation and Natural Resources, may waive this  
29 provision provided Grantee petitions the Pennsylvania  
30 Historical and Museum Commission, in writing, for such

1 waiver.

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

7 (5) Duration. These restrictive covenants for historic  
8 preservation shall be binding in perpetuity on Grantee, its  
9 heirs, administrators, successors and assigns and shall be  
10 applicable to both the land and buildings and shall be deemed  
11 to run with the land.

12 (f) Deed.--The deed of conveyance for Tract 1 and Tract 2  
13 shall be by special warranty deed and shall be executed by the  
14 Secretary of General Services in the name of the Commonwealth of  
15 Pennsylvania. The deed of conveyance for Tract 3 shall be by  
16 quitclaim deed and shall be executed by the Secretary of General  
17 Services in the name of the Commonwealth of Pennsylvania.

18 (g) Costs and fees.--Costs and fees incidental to this  
19 conveyance shall be borne by the grantee.

20 (h) Expiration.--If the conveyance authorized under this  
21 section is not effectuated within one year of the effective date  
22 of this section, the authority provided under this section shall  
23 expire.

24 Section 2. Effective date.

25 This act shall take effect immediately.