

## AN ACT

1 Authorizing the Department of General Services, with the  
2 approval of the Governor and the Pennsylvania Historical and  
3 Museum Commission, to grant and convey to the Fort LeBoeuf  
4 Historical Society, certain lands situate in the Borough of  
5 Waterford, Erie County.

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

8 Section 1. Conveyance in the Borough of Waterford, Erie County.

9 (a) Authorization.--The Department of General Services, with  
10 the approval of the Governor and the Pennsylvania Historical and  
11 Museum Commission, is hereby authorized on behalf of the  
12 Commonwealth of Pennsylvania to grant and convey to the Fort  
13 LeBoeuf Historical Society certain lands and any improvements  
14 thereon, the property being known locally as the Judson House  
15 situate in the Borough of Waterford, Erie County, for \$1.

16 (b) Property description.--The property to be conveyed  
17 pursuant to subsection (a) consists of approximately 0.5871  
18 acres, including any improvements located thereon, more  
19 particularly described as follows:

1 Tract 1

2 ALL THAT CERTAIN piece or parcel of land situate in the  
3 Borough of Waterford, County of Erie and Commonwealth of  
4 Pennsylvania, being Lots Nos. Seven (7) and Eight (8) of  
5 Garrison Lots in said Borough.

6 The said lots are situate at the southeast intersection of  
7 High Street and First Street, in said Borough, and front for a  
8 distance of 105 feet on the south side of First Street and  
9 extends southerly therefrom a distance of 155 feet on the east  
10 side of High Street.

11 Excepting and reserving however, from the above described  
12 land all that easterly portion consisting of a 60 foot frontage  
13 on First Street and extending to a depth of 155 feet therefrom  
14 in a southerly direction.

15 BEING the same piece or parcel of land conveyed to the  
16 Commonwealth of Pennsylvania, from Frank R. Johnston, et al, by  
17 deed dated July 8, 1949, and recorded in Erie County Deed Book  
18 542, Page 549.

19 Tract 2

20 ALL THAT CERTAIN piece or parcel of land situate in the  
21 Borough of Waterford, County of Erie and Commonwealth of  
22 Pennsylvania, being the east sixty (60) feet fronting on the  
23 southerly side of First Street to an alley, and extending  
24 southwardly at a uniform depth of one hundred fifty-five (155)  
25 feet, of lots Nos. 7 and 8 of the Garrison Lots in the Borough  
26 of Waterford, more fully bounded and described as follows, to  
27 wit:

28 BEGINNING at a point in the south line of First Street, one  
29 hundred five (105) feet eastwardly from the point of  
30 intersection of the south line of First Street with the east

1 line of High Street; thence southwardly parallel with the east  
2 line of High Street, one hundred and fifty-five (155) feet, more  
3 or less, to the north line of an alley; thence eastwardly along  
4 the north line of said alley, and parallel with the south line  
5 of First Street, sixty (60) feet to a point; thence northwardly  
6 parallel with the east line of High Street, one hundred and  
7 fifty-five (155) feet, more or less, to the south line of First  
8 Street; and thence westwardly along the south line of First  
9 Street, sixty (60) feet to the place of BEGINNING.

10 BEING the same piece or parcel of land conveyed to the  
11 Commonwealth of Pennsylvania, from Miriam Kuhns, unmarried, and  
12 Cynthia Ensworth, widow, by deed dated March 21, 1950, and  
13 recorded in Erie County Deed Book 560, Page 348.

14 BEING Parcel ID #46-9-58-1

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

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

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

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

7 Declaration of Covenants

8 Judson House

9 Borough of Waterford, Erie County, Pennsylvania

10 I. Covenants.

11 a. The deed of transfer of this property, which property  
12 shall hereinafter be described in this agreement as "Judson  
13 House," shall contain the following language: "Fort LeBoeuf  
14 Historical Society and its successors, (hereafter referred to  
15 as "FLHS") covenants and agrees to assume responsibility for  
16 the maintenance, preservation, and administration of the  
17 property in a manner that is satisfactory to the Pennsylvania  
18 Historical and Museum Commission ("Commission") for a  
19 demonstrable public benefit in perpetuity; under and subject  
20 to the condition that the buildings and lands conveyed herein  
21 shall be accessible to the public."

22 b. The provisions of these covenants, hereinafter expressed  
23 as covenants running with the land, are herein set forth so  
24 as to ensure the maintenance and preservation of the  
25 qualities, natural resources and historical characteristics  
26 of Judson House.

27 II. Standards for Historic Preservation.

28 a. Judson House shall be maintained and preserved in  
29 accordance with the Secretary of the Interior's Standards for  
30 the Treatment of Historic Properties.

1 b. No construction, alteration, rehabilitation, remodeling,  
2 demolition, site development, ground disturbance, or other  
3 action shall be undertaken or permitted to said property  
4 without the prior written permission from the Commission.

5 c. Prior to the commencement of work, FLHS agrees to  
6 notify, in writing, the Commission of all such work on said  
7 property in advance.

8 d. The Commission will be given forty-five (45) days from  
9 receipt of the notice (sent via certified mail) to review and  
10 approve in writing the appropriateness of said work. If no  
11 response is provided within forty-five (45) days, consent  
12 shall be implied.

13 III. Requirements and Standards for Archaeological  
14 Investigation.

15 a. For work that involves ground disturbance, the  
16 Commission may require archaeological investigation, for  
17 which FLHS shall have financial responsibility.

18 b. In the event that archaeological materials are  
19 discovered during ground-disturbing activities, work shall  
20 temporarily cease, and the Commission shall be consulted for  
21 instructions prior to proceeding with the work.

22 c. Any archaeological work shall be conducted in accordance  
23 with the Secretary of the Interior's Standards and Guidelines  
24 for Archaeological Documentation (48FR 447344-37) and any  
25 such standards and guidelines as the Commission may specify.

26 IV. Access.

27 a. FLHS shall allow the Commission, at all reasonable times  
28 and upon reasonable advance notice to FLHS, access to inspect  
29 said property to ensure compliance with this preservation  
30 covenant.

1 V. Right of Reverter.

2 a. The deed of conveyance shall contain a clause that the  
3 title to the property shall immediately revert to and re-vest  
4 in the Commonwealth should FLHS sell or transfer the property  
5 or permit the property to be used for any purpose other than  
6 as a museum, or related business and/or curatorial offices,  
7 for any length of time.

8 b. FLHS may petition the Commission for a waiver of this  
9 provision if a proposed usage would meet the spirit of this  
10 agreement.

11 c. The Commission must specifically approve any waiver of  
12 this provision.

13 VI. Binding in Perpetuity.

14 a. This covenant is binding on FLHS and its successors in  
15 perpetuity.

16 b. This covenant shall be binding servitude upon the  
17 property and shall be deemed to run with the land.

18 c. Execution of this covenant shall constitute evidence  
19 that FLHS agrees to be bound by the foregoing conditions and  
20 restrictions and to perform the obligations herein set forth.

21 (f) Deed of conveyance.--The deed of conveyance shall be by  
22 Special Warranty Deed and shall be executed by the Secretary of  
23 General Services in the name of the Commonwealth of  
24 Pennsylvania.

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

27 (h) Expiration.--In the event that the conveyance is not  
28 effectuated within one year of the effective date of this  
29 section, the authority contained in this section shall expire.

30 Section 2. Effective date.

1 This act shall take effect in 60 days.