

**CONVEYANCE - COMMONWEALTH PROPERTY IN NEW MILFORD TOWNSHIP,
SUSQUEHANNA COUNTY**

Act of Oct. 4, 2016, P.L. 873, No. 106

Cl. 85

An Act

Authorizing the Department of General Services, with the approval of the Pennsylvania Historical and Museum Commission and the Governor, to grant and convey to Associate Members of Old Mill Village Museum, Inc., certain lands situate in New Milford Township, Susquehanna County.

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

Section 1. Authorization for conveyance.

The Department of General Services, with the approval of the Pennsylvania Historical and Museum Commission and the Governor, is hereby authorized on behalf of the Commonwealth to grant and convey to Associate Members of Old Mill Village Museum, Inc., certain lands and any improvements thereon described under section 2, the property being known locally as the historic Old Mill Village, situate in New Milford Township, Susquehanna County, for \$1.

Section 2. Property description.

The property to be conveyed under section 1 consists of 29.10-acres, including any improvements located thereon, more particularly described as follows:

TRACT 1

ALL THAT CERTAIN piece, parcel, and lot of land situate in New Milford Township, Susquehanna County, Pennsylvania and shown upon a plan entitled Boundary Survey on Lands of Commonwealth of Pennsylvania Old Mill Village, prepared by the Larson Design Group, file 5075-037, dated February 25, 2015; bounded and described as follows:

BEGINNING at a point in the center of Meylert Creek and on the northern line of lands of Charles M. and Mary Ann Jorgenson and also being the southwest corner of the parcel herein described; thence from the point and place of beginning and along the center of said creek, also being the southern line of other lands of the Commonwealth of Pennsylvania, North 07 degrees 15 minutes 15 seconds East, 70.20 feet to a point in center of aforesaid creek; thence along the southern line of other lands of the Commonwealth of Pennsylvania, North 60 degrees 32 minutes 03 seconds East, 142.29 feet to an existing steel pin on the northern line of lands of Charles M. and Mary Ann Jorgenson; thence along the northern line of lands of aforesaid Jorgenson, South 43 degrees 33 minutes 08 seconds West, (passing through an existing steel pin and cap in concrete at 146.06 feet) 192.66 feet to the point and place of BEGINNING.

CONTAINING 0.0919 acres.

BEING Tax Parcel No. 109.00-1,077.00

TRACT 2

ALL THAT CERTAIN piece, parcel, and lot of land situate in New Milford Township, Susquehanna County, Pennsylvania and shown upon a plan entitled Boundary Survey on Lands of Commonwealth of Pennsylvania Old Mill Village, prepared by the Larson Design Group, file 5075-037, dated February 25, 2015; bounded and described as follows:

BEGINNING at a point in the centerline of Pennsylvania State Route 0848, said point being on the southern line of lands of Steven and Ruth M. Roman and also being the northwest corner

of the parcel herein described; thence from the point and place of beginning and along the southern line of lands of aforesaid Roman, North 86 degrees 09 minutes 53 seconds East, (passing through a set steel pin in concrete at 26.11 feet) 1822.89 feet to an existing nail in stones at the northern corner of lands of Byron and Renee Sands; thence along the northern line of lands of aforesaid Sands and lands of Mark D. and Christine E. Jones, South 43 degrees 31 minutes 27 seconds West, 945.31 feet to an existing steel pin at the northern corner of lands of Martha A. and Jeffrey W. Broad and lands of James P. Yeich; thence along the northern line of lands of aforesaid Yeich, South 43 degrees 04 minutes 17 seconds West, 773.84 feet to an existing steel pin and cap at the northern corner of lands of Charles M. and Mary Ann Jorgenson; thence along the northern line of lands of aforesaid Jorgenson, South 43 degrees 33 minutes 08 seconds West, 107.39 feet to an existing steel pin at the northeast corner of other lands of the Commonwealth of Pennsylvania (Tax Parcel No. 109.00-1,077.00); thence along the northern line of other lands of the Commonwealth of Pennsylvania the two following courses and distances:

1. South 60 degrees 32 minutes 03 seconds West, 142.29 feet to a point in the center of Meylert Creek;

2. Thence along the center of Meylert Creek, South 07 degrees 15 minutes 15 seconds West, 70.20 feet to a point on the northern line of lands of Charles M. and Mary Ann Jorgenson

Thence along the northern line of lands of aforesaid Jorgenson and passing through Pennsylvania State Route 0848 right of way, South 28 degrees 49 minutes 56 seconds West, 37.28 feet to a point in the centerline of aforesaid State Route 0848, said point being located in existing bridge deck; thence along the centerline of Pennsylvania State Route 0848 the seven following courses and distances:

1. North 18 degrees 15 minutes 33 seconds West, 279.13 feet to a point;

2. By a curve to the right with a radius of 4,369.01 feet, an arc length of 303.12 feet, a delta angle of 03 degrees 58 minutes 31 seconds, and a chord of North 16 degrees 16 minutes 18 seconds West, 303.06 feet to a point;

3. North 14 degrees 17 minutes 02 seconds West, 128.82 feet to a point;

4. By a curve to the left with a radius of 4,970.80 feet, an arc length of 188.75 feet, a delta angle of 02 degrees 10 minutes 32 seconds, and a chord of North 15 degrees 22 minutes 19 seconds West, 188.74 feet to a point;

5. North 16 degrees 27 minutes 31 seconds West, 436.50 feet to a point;

6. By a curve to the left with a radius of 1,280.66 feet, an arc length of 92.68 feet, a delta angle of 04 degrees 08 minutes 47 seconds, and a chord of North 18 degrees 31 minutes 55 seconds West, 92.66 feet to a point;

7. North 20 degrees 36 minutes 36 seconds West, 4.32 feet to the point and place of BEGINNING.

CONTAINING 29.0116 acres.

SUBJECT to the eastern half of Pennsylvania State Route 0848 right of way.

BEING Tax Parcel No. 109.00-1,079.00

THE ABOVE DESCRIBED TRACTS collectively being the same pieces or parcels of land acquired by the Commonwealth of Pennsylvania, pursuant to Declaration of Taking, filed in the Office of the Prothonotary of the Court of Common Pleas of Susquehanna County on December 17, 1970, at No. 149 January Term 1971, with a notice of the Declaration of Taking recorded at the Office of

the Recorder of Deeds of Susquehanna County at Deed Book 335, Page 343.

Section 3. Requirement for conveyance.

The conveyance authorized under this act shall be made under and subject to all lawful and enforceable easements, servitudes and rights of others, including, but not limited 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 under 4 Pa.C.S. § 1103 (relating to definitions), or any other similar type of facility authorized under State law. The condition shall be a covenant running with the land and shall be binding upon the grantee and its successors. Should the grantee, or its successors, permit any portion of the property authorized to be conveyed in this act to be used in violation of this section, the title shall immediately revert to and revest in the grantor.

Section 5. Restrictive covenants.

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

The Old Mill Village property was developed with grant funds provided by the Pennsylvania Department of Conservation and Natural Resources (hereafter referred to as "the department"). The source of the funds is the act of June 22, 1964 (1st Sp.Sess., P.L.131, No.8), known as the Project 70 "Land Acquisition and Borrowing Act," section 20(b) of which act provides as follows:

"No lands acquired with funds made available under this act shall be disposed of or used for purposes other than those prescribed in this act without the express approval of the General Assembly: Provided, That the Commonwealth or a political subdivision, as the owner of such lands, may issue permits, licenses or leases for the exploration, development, storage and removal of oil, gas or other minerals, or for the

installation and use of water, gas, electric, telephone, telegraph, oil or oil product lines, under reasonable regulations prescribed by such owner consistent with the primary use of such lands for 'recreation, conservation and historical purposes.'"

This property, or any portion of it, may not be converted to purposes other than those authorized under the act. The Pennsylvania Historical and Museum Commission's responsibilities established under Article XVIII (Acknowledgement of Assistance), Article XIX (Maintenance and Open Use Responsibilities), Article XX (Nondiscrimination Regarding Access/Residency); and Article XXI (Ownership and Control; Non-Conversion of Use) of the department grant agreement shall be performed by the grantee in perpetuity.

Declaration of Restrictive Covenants for Historic Preservation for Old Mill Village New Milford Township, Susquehanna County, Pennsylvania.

(1) Covenants. In consideration of the conveyance of the aforementioned real property, Grantee covenants and agrees for itself, its heirs, administrators, successors, and assigns that the said herein conveyed property shall be

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

(A) Maintenance and Preservation. Old Mill Village shall be maintained and preserved as a historic site accessible by the public and for a demonstrable public benefit with maintenance and preservation standards acceptable to the Pennsylvania Historical and Museum Commission.

(B) Historic Structures. Old Mill Village, the historic structures and buildings that comprise the property, shall be maintained and preserved in accordance with the Secretary of the Interior's Standards for the Treatment of Historic Properties.

(C) Landscape. The landscape of Old Mill Village 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 the covenants herein, 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 Activities. Mining, excavating, dredging or removing from the subject property any natural resource which removal would alter the historic value of the property is prohibited without the prior written approval of the Commission. Archeological investigation may be required by the Commission for any ground disturbing work and Grantee shall bear full financial responsibility for any such work. The following shall apply:

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

(II) Standards for Archeology. Any archeological work conducted on the subject property shall be performed in accordance with

the Secretary of the Interior's Standards and Guidelines for Archeological Documentation and any further standards and guidelines the Commission may require.

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

(3) Right of Reverter. The Commonwealth of Pennsylvania, by and through the Pennsylvania Historical and Museum Commission, hereby reserves for itself, heirs, successors and assigns, a right of reverter on Old Mill Village, which shall revert to and reinvest in the Commonwealth by operation of law should any sale, transfer, or use of Old Mill Village be inconsistent with or in violation of the restrictions contained herein. The Commission, with the concurrence of the Department of Conservation and Natural Resources, may waive this provision provided Grantee petitions the Commission, in writing, for such waiver.

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

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

Section 6. Deed.

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

Section 7. Costs and fees.

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

Section 8. Expiration.

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

Section 9. Effective date.

This act shall take effect immediately.