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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 348 Session of  
2009

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INTRODUCED BY STABACK, FEBRUARY 10, 2009

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REFERRED TO COMMITTEE ON STATE GOVERNMENT, FEBRUARY 10, 2009

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AN ACT

1 Authorizing the Department of General Services, with the  
2 approval of the Governor, to grant and convey to the Waymart  
3 Area Historical Society, or its assigns, certain land,  
4 buildings and improvements situate in the Township of Canaan,  
5 Wayne County.

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

8 Section 1. Conveyance in Canaan Township, Wayne County.

9 (a) Authorization.--The Department of General Services, with  
10 the approval of the Governor, is hereby authorized on behalf of  
11 the Commonwealth of Pennsylvania to grant and convey to the  
12 Waymart Area Historical Society, or its assigns, certain land,  
13 buildings and improvements situate in the Township of Canaan,  
14 Wayne County, for \$10,000.

15 (b) Property description.--The property to be conveyed  
16 pursuant to this section consists of approximately 2.76 acres  
17 and buildings bounded and more particularly described as  
18 follows:

19 BEGINNING at a point or corner, located in the center of the  
20 right of way of Route 6/State Route 0006, at the intersection,

1 with a certain entrance/exit roadway, leading south, into and  
2 through, lands of the Commonwealth of Pennsylvania (D.B. 97, P.  
3 98 - The First (Parcel) Thereof:); thence, along the center of  
4 the right of way of the aforesaid Route 6/State Route 0006, the  
5 following two, curvilinear and/or chord, courses and distances:  
6 Along the arc of a curve to the right, in a northwesterly  
7 direction, having a central angle of 11 degrees 35 minutes 51  
8 seconds, with a radius of 1432.69 feet, a distance or arc length  
9 of 290.00 feet to a point or corner and North 61 degrees 29  
10 minutes 09 seconds West 85.01 feet to a point or corner; thence,  
11 departing from said public highway and through lands formerly of  
12 the Commonwealth of Pennsylvania (D.B. 97, P. 98 - The First  
13 (Parcel) Thereof:); the following four courses and distances:  
14 North 27 degrees 36 minutes 54 seconds East 403.77 feet to an  
15 iron pin corner set, located southwesterly of a certain private  
16 roadway; thence, South 62 degrees 23 minutes 06 seconds East  
17 100.00 feet to an iron pin corner set, located southwesterly of  
18 the aforesaid private roadway; thence, South 24 degrees 43  
19 minutes 05 seconds East 344.28 feet to an iron pin corner set,  
20 located southwesterly of the aforesaid private roadway and;  
21 thence, South 27 degrees 18 minutes 14 seconds West (Crossing a  
22 certain private driveway, at 40 feet (more or less), which  
23 extends northwesterly from its intersection with the aforesaid  
24 private roadway referenced herein) 170.00 feet to the place of  
25 BEGINNING.

26       CONTAINING 2.76-acres more or less.

27       BEING part of the same premises conveyed, released and  
28 remised to the Commonwealth of Pennsylvania by The Delaware and  
29 Hudson Company (Formerly the President, Managers, and Company of  
30 the Delaware and Hudson Canal Company), by indenture, dated

1 February 19, 1907, and recorded in Wayne County Deed Book Volume  
2 97, Page 98.

3 (c) Conditions.--The conveyance shall be made under and  
4 subject to all lawful and enforceable easements, servitudes and  
5 rights of others, including, but not confined to, streets,  
6 roadways and rights of any telephone, telegraph, water,  
7 electric, gas or pipeline companies, as well as under and  
8 subject to any lawful and enforceable estates or tenancies  
9 vested in third persons appearing of record, for any portion of  
10 the land or improvements erected thereon.

11 (d) Restricted use.--The conveyance authorized under this  
12 section shall be made under and subject to the condition, which  
13 shall be contained in the deed of conveyance, that no portion of  
14 the property conveyed shall be used as a licensed facility, as  
15 defined in 4 Pa.C.S. § 1103 (relating to definitions), or any  
16 other similar type of facility authorized under State law. The  
17 condition shall be a covenant running with the land and shall be  
18 binding upon the Grantee, its successors and assigns. Should the  
19 Grantee, its successors or assigns, permit any portion of the  
20 property authorized to be conveyed in this section to be used in  
21 violation of this subsection, the title shall immediately revert  
22 to and revest in the Grantor.

23 (e) Required use.--The conveyance authorized by this section  
24 shall also be made under and subject to the following covenants,  
25 conditions and restrictions that the Grantee, its successors and  
26 assigns, shall use the property and buildings or structures  
27 existing or hereinafter permitted to be erected on the property  
28 solely for historical and/or historical interpretive purposes.  
29 Any new construction, rehabilitation, alteration or demolition  
30 on the property shall be consistent with and done in accordance

1 with any standards for rehabilitation and guidelines for  
2 rehabilitating historic buildings adopted by the Secretary of  
3 the Interior. The Grantee, its successors and assigns, shall not  
4 make any physical alterations to the exterior of any structures  
5 on the property except as provided in this act and only with the  
6 prior written consent of the Grantor or its designee. Should the  
7 Grantee, its successors, or assigns, convey or attempt to convey  
8 the property, alter the property without the prior written  
9 consent of Grantor, or utilize the property for any purpose  
10 inconsistent with this subsection, the lands shall immediately  
11 revert to and revest in the Grantor. The covenants, conditions  
12 and restrictions shall run with the land in perpetuity.

13 (f) Deed.--The deed of conveyance shall be by Special  
14 Warranty Deed and shall be executed by the Secretary of General  
15 Services in the name of the Commonwealth of Pennsylvania.

16 (g) Costs and fees.--Costs and fees incidental to this  
17 conveyance, which shall not exceed \$10,000, shall be borne by  
18 the grantee and paid to the Department of General Services.

19 (h) Alternative disposition.--In the event that this  
20 conveyance is not executed within 12 months of the effective  
21 date of this section, the property may be disposed of in  
22 accordance with section 2405-A of the act of April 9, 1929 (P.L.  
23 177, No.175), known as The Administrative Code of 1929.

24 (i) Deposit of sale proceeds.--The proceeds from the sale  
25 shall be deposited in the General Fund.

26 Section 2. Effective date.

27 This act shall take effect immediately.