

No. 2004-119

AN ACT

HB 2561

Authorizing and directing the Department of General Services, with the approval of the Pennsylvania Historical and Museum Commission and the Governor, to grant and convey to Luzerne County Historical Society certain lands and building situate in the Borough of Forty Fort, County of Luzerne, Commonwealth of Pennsylvania; authorizing the Department of General Services, with the approval of the Governor, to grant and convey, through competitive bidding or public auction, certain tracts of land together with any improvements thereon situate in the Twelfth Ward of the City of Allentown and in Salisbury Township, Lehigh County; authorizing and directing the Department of General Services, with the approval of the Pennsylvania Historical and Museum Commission and the Governor, to execute a corrective deed to revise a deed restriction on certain real estate conveyed to the Northumberland County Historical Society situate in the Township of Upper Augusta, County of Northumberland; and making a repeal.

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

Section 1. Conveyance in Forty Fort, Luzerne County.

(a) Authorization.—The Department of General Services, with the approval of the Pennsylvania Historical and Museum Commission and the Governor, is hereby authorized and directed on behalf of the Commonwealth of Pennsylvania to grant and convey to Luzerne County Historical Society for one dollar (\$1.00) a tract of land and a building known as the “Dennison House” as described in subsection (b).

(b) Description.—ALL THAT CERTAIN piece or parcel of land situate in the Borough of Forty-Fort, bounded and described as follows:

BEGINNING AT a corner being the intersection of the Westerly line of Wyoming Avenue and the Northerly line of Dennison Street, thence North thirty-nine degrees twenty-two minutes East along said Wyoming Avenue one-hundred five and ninety-seven one-hundredths (105.97) feet to a corner, thence North seventy-four degrees one minute East still along Wyoming Avenue forty-six and eighty-six one-hundredths (46.86) feet, more or less to a corner dividing Lots No’s 1 and 2 on plot of lots known as Englewood Terrace, recorded in Luzerne County Map Book No. 2, page 294;

THENCE North twelve degrees fifty-six minutes West along said Lot No. 2 two-hundred ninety-eight and twenty-nine one-hundredths (298.29) feet to a corner;

THENCE North twenty-seven degrees West still along line of lot No. 2, eighty-five (85) feet to a corner on Englewood Avenue.

THENCE South forty-seven degrees twenty-seven minutes West eighty-nine (89) feet to a corner in line of Dennison Street;

THENCE South twenty-eight degrees forty-four minutes East along the Northerly line of Dennison Street thirty-nine and thirteen one-hundredths (39.13) feet;

THENCE South six degrees twelve minutes East still along line of Dennison Street, three hundred sixty-eight and eighty-eight one-hundredths (368.88) feet to Wyoming Avenue, the place of beginning.

BEING Lot No. 1 on said plot of lots and improved with a three story single frame dwelling known as 35 Dennison Street, Forty Fort, Luzerne County, Pennsylvania

Together with and subject to all easements, rights, covenants, appurtenances, exceptions, reservations, restrictions and conditions contained in prior instruments in the chain of title.

BEING the same premises conveyed by Hugh H. McClelland, Jr. and Nancy W. McClelland his wife to David M. Ogden and Elizabeth V.N. Ogden, his wife by deed dated March 5, 1963, recorded in Luzerne County Deed Book No. 1516, page 939.

(c) Easements.—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.

(d) Execution.—The deed of conveyance shall be by Special Warranty Deed and shall be executed by the Secretary of General Services in the name of the Commonwealth of Pennsylvania.

(e) Reversion.—The deed of conveyance shall contain a clause that the property conveyed herein shall be used for educational or historical exhibition/public purposes only. Should the grantee allow the property conveyed to be used for any other purpose or attempts to convey the premises, title shall immediately revert to and revest in the grantor. However, the grantor and grantee, or their successors and assigns, agree that should the within named grantee, or its successors, dissolve or cease to remain in existence, then the grantee, or its successors, may allow title to the above-described real estate to be conveyed to a successor organization that has the same objectives, purposes and goals as the grantee, said conveyance to be subject to the other covenants and restrictions set forth in this deed.

(f) Restrictions.—The deed of conveyance shall contain a clause that requires the grantee to maintain and preserve the premises by ensuring that any improvements to the property are compatible with its original architectural design and landscape/site plan in terms of scale, massing, fenestration, materials and color, and are consistent with the recommended approaches in the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings as revised in 1995. Further, no new construction, demolition, alteration, remodeling or landscaping/site work shall be undertaken or permitted to be undertaken on the property without the prior written approval of the Pennsylvania Historical and Museum Commission.

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

Section 2. Conveyance in Allentown and Salisbury Township, Lehigh County.

(a) Authorization.—The Department of General Services, with the approval of the Governor, is hereby authorized on behalf of the Commonwealth of Pennsylvania to grant and convey, at a price to be determined through competitive bidding or public auction, certain land together with any improvements thereon described in subsection (b). The tracts may be offered for sale together or separately.

(b) Description.—The property to be conveyed pursuant to this section consists of two tracts of land bounded and described as follows:

TRACT 1

ALL THAT CERTAIN parcel of land together with any improvements thereon situate in the Twelfth Ward of the City of Allentown bounded and described as follows:

BEGINNING at a point, said point being north 89 degrees 44 minutes east, 235.00 feet from the center line of Lehigh Street, or State Highway Route 158 at Station 522-80.70; thence along property of the Commonwealth of Pennsylvania, north 89 degrees 44 minutes east, a distance of 300.00 feet to an iron pin; thence along property now or late of Edward N. Kroninger, Jr., et al., south 00 degrees 16 minutes east, a distance of 119.06 feet to the center line of Vultee Street, thence along the center line of Vultee Street, south 74 degrees 59 minutes west, a distance of 310.22 feet to a point in the center line of Vultee Street; thence along property now or late of Edward N. Kroninger, Jr., et al., north 00 degrees 16 minutes west, a distance of 198.4 feet to the place of BEGINNING.

CONTAINING 4.2471-acres, more or less.

BEING the same property conveyed to the Commonwealth of Pennsylvania by an Indenture from Bertha M. Kroninger, widow, and Richard P. Kroninger, executors of the last will and testament of Edward N. Kroninger, Jr., dated April 29, 1964 and recorded in the Lehigh County Recorder of Deeds in Deed Book Volume 1059, Page 328.

TRACT 2

ALL THAT CERTAIN parcel of land together with any improvements thereon situate in the Twelfth Ward of the City of Allentown and Salisbury Township described in a plot plan recorded in the Lehigh County Recorder of Deeds Office in Map Rack 5, Sheet 73 of 78.

CONTAINING 1.468-acres, more or less.

BEING the same property acquired by the Commonwealth of Pennsylvania in a Notice of Condemnation dated August 25, 1986, recorded in the Lehigh County Recorder of Deeds in Deed Book Volume 519, Page 1002.

(c) Easements.—The conveyances 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.

(d) Execution.—The deeds of conveyance shall be by Special Warranty Deed and shall be executed by the Secretary of General Services in the name of the Commonwealth of Pennsylvania.

(e) Proceeds.—The proceeds from the sale of lands under this section shall be deposited into the Capital Facilities Fund. The funds shall be utilized by the Department of General Services to acquire and renovate or construct replacement facilities for the Department of Transportation's Engineering District 5-0. Any funds remaining following the acquisition and renovation or construction of replacement facilities shall be transferred to the General Fund.

Section 3. Corrective deed for property situate in Upper Augusta Township, Northumberland County.

(a) Authorization to execute deed.—The Department of General Services, with the approval of the Pennsylvania Historical and Museum Commission and the Governor, is hereby authorized and directed on behalf of the Commonwealth of Pennsylvania to execute a corrective deed to revise a use restriction and reversionary covenant placed on the lands conveyed to the Northumberland County Historical Society under the authority of section 5 of the act of December 18, 1992 (P.L.1670, No.185), entitled "An act authorizing the Department of General Services, with the approval of the Governor, to sell and convey certain tracts of land situate in the City of Erie, Erie County; providing for the conveyance of Wolverine Memorial Park in Erie to the Erie-Western Pennsylvania Port Authority; authorizing the conveyance of a tract of land in Berks County to Valley View Mobile Home Park; authorizing and directing the Department of General Services to accept the conveyance to the Commonwealth of a parcel of land situate in the Township of Honeybrook, County of Chester and Township of Salisbury, County of Lancaster; authorizing the Department of General Services to sell said parcel of land with a contiguous parcel of land previously approved for sale pursuant to the Surplus Property Disposition Plan of 1985, approved by the Legislature, in accordance with Article XXIV-A of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929; authorizing and directing the Department of General Services, with the approval of the Governor and the Pennsylvania Historical and Museum Commission, to convey a tract of land in Upper Augusta Township, Northumberland County, to the Northumberland County Historical Society; authorizing and directing the Department of General Services, with the approval of the Governor, to convey the Monocacy Battlefield in Frederick, Maryland, to the United States of America; authorizing the Department of General Services, with the approval of the Governor and the Department of Agriculture, to sell and convey to The Pennsylvania State University a tract

of land and the buildings erected thereon in Ferguson Township, Centre County, Pennsylvania; authorizing the Pennsylvania Historical and Museum Commission to accept a gift of certain real property situate in the Township of Solebury, Bucks County, Pennsylvania; authorizing the Department of General Services, with the approval of the Governor and the Secretary of Environmental Resources, to sell and convey real property in Union Township, Bedford County; authorizing and directing the Department of Transportation, with the approval of the Governor, to grant and convey land situate in the City of Pittsburgh, Allegheny County, to the Urban Redevelopment Authority of the City of Pittsburgh; authorizing and directing the Department of General Services, with the approval of the Governor and the Secretary of Public Welfare, to convey to the North Warren Municipal Authority, land situate partially in the Township of Conewango and partially in the Borough of North Warren, Warren County, Pennsylvania; authorizing and directing the Department of General Services, with the approval of the Governor, to convey to Hartley Township a tract of land situate in Hartley Township, Union County, Pennsylvania; and making repeals.”

(b) Revised use restriction and reversionary covenant.—

(1) The revised use restriction and reversionary covenant shall read as follows:

Under and subject to the condition that the land conveyed under section 5(a) of the act of December 18, 1992 (P.L.1670, No.185), found in a deed dated and recorded in the Northumberland County Recorder of Deeds Office in Deed Book Vol. 1104, Page 157, shall be used for public and educational purposes and if at any time the grantee or its successors in function conveys said property to any entity other than the Shikellamy School District, or its successors in function, or authorizes or permits said property to be used for any purpose other than those aforementioned, the title to the land herein conveyed shall immediately revert to and revest in the Commonwealth of Pennsylvania.

Also under and subject to the condition that the grantee must have the proposed property use reviewed and approved in writing by the State Preservation Officer of the Pennsylvania Historical and Museum Commission prior to commencing any land use change or construction.

(2) Any conveyance of the lands described in section 5(a) of the act of December 18, 1992 (P.L.1670, No.185), found in a deed dated and recorded in the Northumberland County Recorder of Deeds Office in Deed Book Vol. 1104, Page 157, by the Northumberland County Historical Society to the Shikellamy School District, or its successors in function, shall contain the amended use and reversionary covenant as described in paragraph (1).

(c) Other provisions.—The corrective deed 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.

(d) Execution.—The corrective deed shall be executed by the Secretary of General Services in the name of the Commonwealth of Pennsylvania.

(e) Costs and fees.—Costs and fees incidental to this conveyance shall be borne by the grantee.

Section 4. Repeal.

Section 5(b) of the act of December 18, 1992 (P.L.1670, No.185), entitled “An act authorizing the Department of General Services, with the approval of the Governor, to sell and convey certain tracts of land situate in the City of Erie, Erie County; providing for the conveyance of Wolverine Memorial Park in Erie to the Erie-Western Pennsylvania Port Authority; authorizing the conveyance of a tract of land in Berks County to Valley View Mobile Home Park; authorizing and directing the Department of General Services to accept the conveyance to the Commonwealth of a parcel of land situate in the Township of Honeybrook, County of Chester and Township of Salisbury, County of Lancaster; authorizing the Department of General Services to sell said parcel of land with a contiguous parcel of land previously approved for sale pursuant to the Surplus Property Disposition Plan of 1985, approved by the Legislature, in accordance with Article XXIV-A of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929; authorizing and directing the Department of General Services, with the approval of the Governor and the Pennsylvania Historical and Museum Commission, to convey a tract of land in Upper Augusta Township, Northumberland County, to the Northumberland County Historical Society; authorizing and directing the Department of General Services, with the approval of the Governor, to convey the Monocacy Battlefield in Frederick, Maryland, to the United States of America; authorizing the Department of General Services, with the approval of the Governor and the Department of Agriculture, to sell and convey to The Pennsylvania State University a tract of land and the buildings erected thereon in Ferguson Township, Centre County, Pennsylvania; authorizing the Pennsylvania Historical and Museum Commission to accept a gift of certain real property situate in the Township of Solebury, Bucks County, Pennsylvania; authorizing the Department of General Services, with the approval of the Governor and the Secretary of Environmental Resources, to sell and convey real property in Union Township, Bedford County; authorizing and directing the Department of Transportation, with the approval of the Governor, to grant and convey land situate in the City of Pittsburgh, Allegheny County, to the Urban Redevelopment Authority of the City of Pittsburgh; authorizing and directing the Department of General Services, with the approval of the Governor and the Secretary of Public Welfare, to convey to the North Warren Municipal Authority, land situate partially in the Township of Conewango and partially

in the Borough of North Warren, Warren County, Pennsylvania; authorizing and directing the Department of General Services, with the approval of the Governor, to convey to Hartley Township a tract of land situate in Hartley Township, Union County, Pennsylvania; and making repeals," is repealed.
Section 5. Effective date.

This act shall take effect immediately.

APPROVED—The 20th day of November, A.D. 2004.

EDWARD G. RENDELL