

No. 2016-68

AN ACT

HB 2035

Authorizing the Department of General Services, with the approval of the Pennsylvania Historical and Museum Commission and the Governor, to grant and convey to the Mifflin County Historical Society certain lands situate in the Borough of Lewistown, Mifflin County.

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

Section 1. 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 the Mifflin County Historical Society certain lands and any improvements thereon described under section 2, the property being known locally as the historic McCoy House situate in the Borough of Lewistown, Mifflin County, for \$1.

Section 2. Property description.

The property to be conveyed under section 1 consists of 0.08 acres, including any improvements located thereon, more particularly described as follows:

ALL THAT CERTAIN house and lot of ground situate in the Borough of Lewistown, Mifflin County, Pennsylvania, on the West side of N. Main Street, bounded and described as follow, to wit:

On the North East by N/F Caroline Russ; on the South East by an alley; on the South West by a public alley and on the North West by N. Main Street on which is erected a two story brick dwelling house and other improvements.

BEING the same tract of land acquired by the Commonwealth of Pennsylvania, from Hanna J. McCoy, and the heirs, Executors, Administrators and assigns of Margaretta McCoy, deceased, pursuant to Declaration of Taking, filed in the Office of the Prothonotary of the Court of Common Pleas of Mifflin County on October 21, 1967, at No. 267 October Term 1967, with notice of the Declaration of Taking recorded at the Office of the Recorder of Deeds of Mifflin County at Deed Book 175, Page 296.

BEING Parcel No. 03,02-0120--,000.

Section 3. Requirements for conveyance.

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.

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 in 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:

Declaration of Restrictive Covenants for Historic Preservation
McCoy House
Borough of Lewistown, Mifflin 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. The McCoy House 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. The McCoy House, 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 the McCoy House 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 this covenant, 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 the McCoy House, which shall revert to and reinvest in the Commonwealth by operation of law should any sale, transfer, or use of the McCoy House be inconsistent with or in violation of the restrictions contained herein. The Commission 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. Execution.

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.

APPROVED—The 7th day of July, A.D. 2016

TOM WOLF