

## No. 2017-47

## AN ACT

HB 1287

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 Warrior Run-Fort Freeland Heritage Society certain lands situate in Delaware Township, Northumberland County.

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

Section 1. Conveyance in Delaware Township, Northumberland County.

(a) Authorization.—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 Warrior Run-Fort Freeland Heritage Society certain lands and any improvements thereon described under subsection (b), the property being known locally as the historic Warrior Run Church and Cemetery situate in Delaware Township, Northumberland County, for \$1.

(b) Description.—The property to be conveyed under subsection (a) consists of 3.46 acres and any improvements located thereon, more particularly described as follows:

ALL THAT CERTAIN tract of land situate in Delaware Township, Northumberland County, Pennsylvania, bounded and described as follows, to wit:

BEGINNING at a point which is the intersection of the west side of the right-of-way of State Highway Route No.18 and the north side of the right-of-way of State Highway Route 49-061; thence north 17 degrees forty minutes east a distance of 249.0 feet to a point; thence north 72 degrees, 20 minutes west a distance of 15.0 feet to a point; thence north 17 degrees, 40 minutes east a distance of 74.65 feet to a point; thence south 86 degrees, 33 minutes west a distance of 640.1 feet to a point in the centerline of L. R. 49099, thence south 3 degrees, 27 minutes east along said centerline a distance of 66.0 feet to a point; thence north 86 degrees, 33 minutes east a distance of 102.3 feet to a point; thence south 3 degrees, 27 minutes east a distance of 144.3 feet to a point; thence south 80 degrees, 50 minutes east a distance of 446.9 feet to the place of BEGINNING.

CONTAINING 3.46 acres more or less;

HAVING ERECTED THEREON a church known as the Warrior Run Church, a cemetery and other improvements.

BEING the same tract of land acquired by the Commonwealth of Pennsylvania, from the Presbytery of Northumberland, Inc., by deed dated April 15, 1970 and recorded April 28, 1971 in the Office of the Recorder of Deeds of Northumberland County, Pennsylvania, in Deed Book 493, Page 1. (A corrective deed dated June 1, 1971, was recorded June 10, 1971 in the Office of the Recorder of Deeds of Northumberland County, Pennsylvania, in Deed Book 493, Page 917, for the purpose of correcting the aforesaid DB 493, P 1, which erroneously referred to the location of the above recited

property as Turbot Township, which was the former name of the present township known as Delaware Township.)

BEING Tax Parcel Nos. 021-00-011-020 and 021-00-011-021.

(c) 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.

(d) 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.

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

**Declaration of Restrictive Covenants for Historic Preservation  
Warrior Run Church and Cemetery Delaware Township, Northumberland  
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:

(i) Maintenance and Preservation. The Warrior Run Church and Cemetery 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.

(ii) Historic Structures. The Warrior Run Church and Cemetery, 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.

(iii) Landscape. The landscape of the Warrior Run Church and Cemetery 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. The Grantee, its successor and assigns shall not disturb and shall maintain the graves/memorials. This covenant

shall be binding on the Grantee, its successors and assigns in perpetuity.

(iv) 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.

(v) 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:

(A) Notice. Timely notice shall be afforded to the Commission in advance of any such requested work on the subject property.

(B) 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.

(vi) 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:

(A) 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.

(B) 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 Warrior Run Church and Cemetery, which shall revert to and reinvest in the Commonwealth by operation of law should any sale, transfer or use of the Warrior Run Church and Cemetery 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.

(f) Deed.—The deed of conveyance shall be executed by the Secretary of General Services in the name of the Commonwealth of Pennsylvania.

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

(h) 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 2. Effective date.

This act shall take effect immediately.

APPROVED—The 30th day of October, A.D. 2017

TOM WOLF