

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1287 Session of  
2017

INTRODUCED BY SCHLEGEL CULVER, APRIL 25, 2017

REFERRED TO COMMITTEE ON STATE GOVERNMENT, APRIL 25, 2017

AN ACT

1 Authorizing the Department of General Services, with the  
2 approval of the Pennsylvania Historical and Museum Commission  
3 and the Governor, to grant and convey to the Warrior Run-Fort  
4 Freeland Heritage Society certain lands situate in Delaware  
5 Township, Northumberland County.

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

8 Section 1. Conveyance in Delaware Township, Northumberland  
9 County.

10 (a) Authorization.--The Department of General Services, with  
11 the approval of the Pennsylvania Historical and Museum  
12 Commission and the Governor, is hereby authorized on behalf of  
13 the Commonwealth to grant and convey to the Warrior Run-Fort  
14 Freeland Heritage Society certain lands and any improvements  
15 thereon described under section 2, the property being known  
16 locally as the historic Warrior Run Church and Cemetery situate  
17 in Delaware Township, Northumberland County, for \$1.

18 (b) Description.--The property to be conveyed under section  
19 1 consists of 3.46 acres and any improvements located thereon,  
20 more particularly described as follows:

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

4 BEGINNING at a point which is the intersection of the west  
5 side of the right-of-way of State Highway Route No.18 and the  
6 north side of the right-of-way of State Highway Route 49-061;  
7 thence north 17 degrees forty minutes east a distance of 249.0  
8 feet to a point; thence north 72 degrees, 20 minutes west a  
9 distance of 15.0 feet to a point; thence north 17 degrees, 40  
10 minutes east a distance of 74.65 feet to a point; thence south  
11 86 degrees, 33 minutes west a distance of 640.1 feet to a point  
12 in the centerline of L. R. 49099, thence south 3 degrees, 27  
13 minutes east along said centerline a distance of 66.0 feet to a  
14 point; thence north 86 degrees, 33 minutes east a distance of  
15 102.3 feet to a point; thence south 3 degrees, 27 minutes east a  
16 distance of 144.3 feet to a point; thence south 80 degrees, 50  
17 minutes east a distance of 446.9 feet to the place of BEGINNING.

18 CONTAINING 3.46 acres more or less;

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

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

1 was the former name of the present township known as Delaware  
2 Township.)

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

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

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

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

27 Declaration of Restrictive Covenants for Historic Preservation  
28 Warrior Run Church and Cemetery Delaware Township,  
29 Northumberland County, Pennsylvania

30 (1) Covenants. In consideration of the conveyance of the

1       aforementioned real property, Grantee covenants and agrees  
2       for itself, its heirs, administrators, successors and assigns  
3       that the said herein conveyed property shall be subject to  
4       the following historic preservation restrictions, and shall  
5       do or refrain from doing with respect to the subject property  
6       all acts required or prohibited by the following preservation  
7       restrictions:

8               (i) Maintenance and Preservation. The Warrior Run  
9       Church and Cemetery shall be maintained and preserved as  
10       a historic site accessible by the public and for a  
11       demonstrable public benefit with maintenance and  
12       preservation standards acceptable to the Pennsylvania  
13       Historical and Museum Commission.

14              (ii) Historic Structures. The Warrior Run Church and  
15       Cemetery, historic structures and buildings that comprise  
16       the property, shall be maintained and preserved in  
17       accordance with the Secretary of the Interior's Standards  
18       for the Treatment of Historic properties.

19              (iii) Landscape. The landscape of the Warrior Run  
20       Church and Cemetery shall be preserved in a manner  
21       consistent with the historic characteristics of the  
22       subject property and shall not be used in any manner that  
23       would impair or interfere with the historic  
24       interpretation of the subject property. The Grantee, its  
25       successor and assigns shall not disturb and shall  
26       maintain the graves/memorials. This covenant shall be  
27       binding on the Grantee, its successors and assigns in  
28       perpetuity.

29              (iv) Prohibited Uses. No construction, alteration,  
30       rehabilitation, remodeling, demolition, site development,

1 ground disturbance, removal of buildings, addition of  
2 buildings, or use inconsistent with this covenant, or any  
3 other action, shall be undertaken or permitted to the  
4 subject property without the prior written approval of  
5 the Pennsylvania Historical and Museum Commission.

6 (v) Alterations/Modifications/Repairs. With the  
7 prior written approval of the Pennsylvania Historical and  
8 Museum Commission, alterations, modifications, repairs or  
9 other work may be permitted to the subject property,  
10 provided:

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

14 (B) Time. The Commission shall have 45 days from  
15 the date of receipt of such notice to review and  
16 approve the requested work in writing. Consent shall  
17 be implied if the Commission does not issue a written  
18 response approving the request.

19 (vi) Archeology and Other Ground Disturbing  
20 Activities. Mining, excavating, dredging or removing from  
21 the subject property any natural resource which removal  
22 would alter the historic value of the property is  
23 prohibited without the prior written approval of the  
24 Commission. Archeological investigation may be required  
25 by the Commission for any ground disturbing work and  
26 Grantee shall bear full financial responsibility for any  
27 such work. The following shall apply:

28 (A) Archeological Discoveries. In the event  
29 archeological materials are discovered during any  
30 ground disturbing activities, work shall temporarily

1           cease and the Commission shall be consulted for  
2           guidance and direction before ground-disturbing work  
3           may continue.

4           (B) Standards for Archeology. Any archeological  
5           work conducted on the subject property shall be  
6           performed in accordance with the Secretary of the  
7           Interior's Standards and Guidelines for Archeological  
8           Documentation and any further standards and  
9           guidelines the Commission may require.

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

17          (3) Right of Reverter. The Commonwealth of Pennsylvania,  
18          by and through the Pennsylvania Historical and Museum  
19          Commission, hereby reserves for itself, heirs, successors and  
20          assigns, a right of reverter on the Warrior Run Church and  
21          Cemetery, which shall revert to and reinvest in the  
22          Commonwealth by operation of law should any sale, transfer or  
23          use of the Warrior Run Church and Cemetery be inconsistent  
24          with or in violation of the restrictions contained herein.  
25          The Commission may waive this provision provided Grantee  
26          petitions the Commission, in writing, for such waiver.

27          (4) Exclusion. The Grantee agrees that the Commonwealth  
28          of Pennsylvania, by and through any of its agencies, in no  
29          way assumes any obligation whatsoever for maintaining,  
30          repairing or administering the subject property covered by

1 these restrictive covenants for historic preservation.

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

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

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

12 (h) Expiration.--If the conveyance authorized under this act  
13 is not effectuated within one year of the effective date of this  
14 act, the authority provided under this act shall expire.

15 Section 2. Effective date.

16 This act shall take effect immediately.