
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1367 Session of
2013

INTRODUCED BY BIZZARRO, MILLARD, LUCAS, KOTIK, NEILSON, FLYNN,
SWANGER, MCNEILL, PETRI, SONNEY, COHEN, MAHONEY, BROOKS AND
KORTZ, MAY 13, 2013

REFERRED TO COMMITTEE ON STATE GOVERNMENT, MAY 13, 2013

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 Fort LeBoeuf
4 Historical Society certain lands situate in the Borough of
5 Waterford, Erie County.

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

8 Section 1. Conveyance in the Borough of Waterford, Erie County.

9 (a) Authorization.--The Department of General Services, with
10 the approval of the Pennsylvania Historical and Museum
11 Commission and the Governor, is hereby authorized on behalf of
12 the Commonwealth of Pennsylvania to grant and convey to the Fort
13 LeBoeuf Historical Society certain lands and any improvements
14 thereon, the property being known locally as the Washington
15 Monument Park, situate in the Borough of Waterford, Erie County,
16 for \$1.

17 (b) Property description.--The property to be conveyed
18 pursuant to subsection (a) consists of approximately 0.104-
19 acres, including any improvements located thereon, more

1 particularly described as follows:

2 Tract 1

3 ALL THAT CERTAIN piece or parcel of land situate in the
4 Borough of Waterford, County of Erie, and Commonwealth of
5 Pennsylvania, bounded and described as follows, to wit:

6 BEGINNING at a point fifty (50) feet west of the west line of
7 High Street and twenty (20) feet north of the north line of
8 First Alley; thence southwardly, parallel with High Street, four
9 (4) feet and eight (8) inches to a point; thence eastwardly and
10 parallel with First Alley, four (4) feet and eight (8) inches to
11 a point; thence northerly and parallel with High Street, four
12 (4) feet and eight (8) inches to a point; thence westwardly,
13 parallel with First Alley, four (4) feet and eight (8) inches to
14 the place of BEGINNING.

15 BEING the same property conveyed to the Commonwealth of
16 Pennsylvania, from the Fort LeBoeuf Chapter, Daughters of
17 American Colonists, by deed dated April 11, 1945, and recorded
18 in Erie County Deed Book No. 454, Page 396.

19 Tract 2

20 ALL THAT CERTAIN piece or lot of land situated in the Borough
21 of Waterford, in the County of Erie, and Commonwealth of
22 Pennsylvania, bounded and described as follows, to wit:

23 COMMENCING at the southeast corner of what is N/F known as
24 the Eagle Hotel Lot on High Street; thence westwardly along
25 same, eighty-two and one-half (82 1/2) feet; thence southwardly
26 along said lot and parallel with High Street, fifty-five (55)
27 feet to First Alley; thence eastwardly, eighty-two and one-half
28 (82 1/2) feet to High Street; thence along High Street
29 northwardly, fifty-five (55) feet to the PLACE OF BEGINNING.

30 BEING the same property conveyed to the Commonwealth of

1 Pennsylvania, from the Fort LeBoeuf Chapter, Daughters of
2 American Colonists, by deed dated August 16, 1950, and recorded
3 in Erie County in Deed Book 573, Page 131.

4 EXCEPTING THEREFROM, however, a piece of land four (4) feet
5 and eight (8) inches square, heretofore conveyed by the Fort
6 LeBoeuf Chapter, Daughters of the American Colonists, to the
7 Commonwealth of Pennsylvania, by deed dated April 11, 1945, and
8 recorded in Deed Book 454, Page 396.

9 Being Parcel ID #46-9-57-2

10 (c) Easements.--The conveyance shall be made under and
11 subject to all lawful and enforceable easements, servitudes and
12 rights of others, including, but not confined to, streets,
13 roadways and rights of any telephone, telegraph, water,
14 electric, gas or pipeline companies, as well as under and
15 subject to any lawful and enforceable estates or tenancies
16 vested in third persons appearing of record, for any portion of
17 the land or improvements erected thereon.

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

30 (e) Restrictive covenants.--The following restrictive

1 covenants shall be included in the deed of conveyance:

2 Declaration of Covenants

3 Washington Monument Park

4 Borough of Waterford, Erie County, Pennsylvania

5 I. Covenants.

6 a. The deed of transfer of this property, which property
7 shall hereinafter be described in this agreement as
8 "Washington Monument Park," shall contain the following
9 language: "Fort LeBoeuf Historical Society and its
10 successors, (hereafter referred to as "FLHS") covenants
11 and agrees to assume responsibility for the maintenance,
12 preservation, and administration of the property in a
13 manner that is satisfactory to the Pennsylvania Historical
14 and Museum Commission ("Commission") for a demonstrable
15 public benefit in perpetuity; under and subject to the
16 condition that the buildings and lands conveyed herein
17 shall be accessible to the public."

18 b. The provisions of these covenants, hereinafter
19 expressed as covenants running with the land, are herein
20 set forth so as to ensure the maintenance and preservation
21 of the qualities, natural resources and historical
22 characteristics of Washington Monument Park.

23 II. Standards for Historic Preservation.

24 a. Washington Monument Park shall be maintained and
25 preserved in accordance with the Secretary of the
26 Interior's Standards for the Treatment of Historic
27 Properties.

28 b. No construction, alteration, rehabilitation,
29 remodeling, demolition, site development, ground
30 disturbance, or other action shall be undertaken or

1 permitted to said property without the prior written
2 permission from the Commission.

3 c. Prior to the commencement of work, FLHS agrees to
4 notify, in writing, the Commission of all such work on
5 said property in advance.

6 d. The Commission will be given forty-five (45) days
7 from receipt of the notice (sent via certified mail) to
8 review and approve in writing the appropriateness of said
9 work. If no response is provided within forty-five (45)
10 days, consent shall be implied.

11 III. Requirements and Standards for Archaeological
12 Investigation.

13 a. For work that involves ground disturbance, the
14 Commission may require archaeological investigation, for
15 which FLHS shall have financial responsibility.

16 b. In the event that archaeological materials are
17 discovered during ground-disturbing activities, work shall
18 temporarily cease, and the Commission shall be consulted
19 for instructions prior to proceeding with the work.

20 c. Any archaeological work shall be conducted in
21 accordance with the Secretary of the Interior's Standards
22 and Guidelines for Archaeological Documentation (48FR
23 447344-37) and any such standards and guidelines as the
24 Commission may specify.

25 IV. Access.

26 a. FLHS shall allow the Commission, at all reasonable
27 times and upon reasonable advance notice to FLHS, access
28 to inspect said property to ensure compliance with this
29 preservation covenant.

30 V. Right of Reverter.

1 a. The deed of conveyance shall contain a clause that
2 the title to the property shall immediately revert to and
3 revert in the Commonwealth should FLHS sell or transfer
4 the property or permit the property to be used for any
5 purpose other than as a museum, or related business and/or
6 curatorial offices, for any length of time.

7 b. FLHS may petition the Commission for a waiver of this
8 provision if a proposed usage would meet the spirit of
9 this agreement.

10 c. The Commission must specifically approve any waiver
11 of this provision.

12 VI. Binding in Perpetuity.

13 a. This covenant is binding on FLHS and its successors
14 in perpetuity.

15 b. This covenant shall be binding servitude upon the
16 property and shall be deemed to run with the land.

17 c. Execution of this covenant shall constitute evidence
18 that FLHS agrees to be bound by the foregoing conditions
19 and restrictions and to perform the obligations herein set
20 forth.

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

24 (g) Costs and fees.--Costs and fees incidental to this
25 conveyance shall be borne by the Grantee.

26 (h) Expiration.--In the event that the conveyance is not
27 effectuated within one year of the effective date of this
28 section, the authority contained in this section shall expire.

29 Section 2. Effective date.

30 This act shall take effect in 60 days.