
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1928 Session of
2015

INTRODUCED BY PICKETT, APRIL 1, 2016

REFERRED TO COMMITTEE ON STATE GOVERNMENT, APRIL 1, 2016

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 French Azilum, Inc.,
4 certain lands situate in Asylum Township, Bradford County.

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

7 Section 1. Authorization for conveyance.

8 The Department of General Services, with the approval of the
9 Pennsylvania Historical and Museum Commission and the Governor,
10 is hereby authorized on behalf of the Commonwealth to grant and
11 convey to French Azilum, Inc., certain lands and any
12 improvements thereon described under section 2, the property
13 being known locally as French Azilum Historic Site, situate in
14 Asylum Township, Bradford County, for \$1.

15 Section 2. Property description.

16 The property to be conveyed under section 1 consists of 22.83
17 acres, including any improvements located thereon, more
18 particularly described as follows:

19 TRACT 1

1 ALL THAT CERTAIN tract of land situated in Asylum Township,
2 Bradford County, Pennsylvania in accordance with a plan entitled
3 Lots #1 & #2 for the Commonwealth of Pennsylvania, prepared by
4 Steven L. Shaylor, dated December 29, 1982, known as Lot #1,
5 being more fully bounded and described as follows:

6 BEGINNING at a point is stonewall, said point being a point
7 in common with the lands now or formerly of Robert J. &
8 Geraldine Mosier, now or formerly French Azilum Inc. and Lot #1
9 as identified on said Plan.

10 Thence along north eastern property line now or formerly of
11 Robert J. & Geraldine Mosier the following four (4) courses and
12 distances:

13 1. N 69° 27' 24" W a distance of 575.52 feet to a pin
14 set;

15 2. Thence N 22° 39' 35" E for a distance of 267.08 feet
16 to a point at the end of stonewall;

17 3. Thence N 25° 26' 47" E for a distance of 704.57 feet
18 to a pin set;

19 4. Thence N 25° 26' 47" E for a distance of 45.00 feet to
20 point on the low water mark of the western bank of the
21 Susquehanna River;

22 Thence along the low water mark of the western bank of the
23 Susquehanna River; S 42° 18' 43" E a distance of 395.76 feet to
24 point on the low water mark of the western bank of the
25 Susquehanna River; said point being a point in common with now
26 or formally French Azilum Inc. and Lot #1;

27 Thence along the common line between now or formerly French
28 Azilum Inc. and Lot #1, S 09° 32' 29" W a distance of 803.08
29 feet to point, said point being the point of BEGINNING.

30 CONTAINING: 408,351.20 Square Feet or 9.37 Acres.

1 BEING the same tract of land acquired by the Commonwealth of
2 Pennsylvania, pursuant to Declaration of Taking, filed in the
3 Office of the Prothonotary of the Court of Common Pleas of
4 Bradford County on September 24, 1968, at No. 475A, July Term
5 1968, with a notice of the Declaration of Taking recorded at the
6 Office of the Recorder of Deeds of Bradford County at Book 591,
7 Page 604.

8 BEING Parcel Tax ID No. 04-088.00-004-000 000.

9 TRACT 2

10 ALL THAT CERTAIN tract of land situated in Asylum Township,
11 Bradford County, Pennsylvania in accordance with a plan entitled
12 Lots #1 & #2 for the Commonwealth of Pennsylvania, prepared by
13 Steven L. Shaylor, dated December 29, 1982, known now or
14 formerly as French Azilum Inc., being more fully bounded and
15 described as follows:

16 BEGINNING at a point is stonewall, said point being a point
17 in common with the lands now or formerly of Robert J. &
18 Geraldine Mosier, now or formerly French Azilum Inc. and Lot #1
19 as identified on said Plan;

20 Thence along the common property line of Lot #1 and now or
21 formerly French Azilum Inc. Tract N 09° 32' 29" E a distance of
22 803.08 feet to point on the low water mark of the western bank
23 of the Susquehanna River; said point being a point in common
24 with now or formerly French Azilum Inc. and Lot #1;

25 Thence along the western bank of the Susquehanna River the
26 following two (2) courses and distances:

- 27 1. S 42° 18' 43" E a distance of 416.83 feet to a point;
- 28 2. Thence S 38° 27' 47" E for a distance of 350.60 feet
29 to a point on the low water mark of the western bank of the
30 Susquehanna River; said point also being a point in common with

1 the lands now or formerly of Francis L. Hagerman;

2 Thence along the lands now or formerly of Francis L. Hagerman
3 the following two (2) courses and distances:

4 1. S 62° 30' 25" W a distance of 86.62 feet to a found
5 pin;

6 2. Thence S 27° 52' 13" E for a distance of 220.29 feet
7 to a point, said point also being a point in common with the
8 lands now or formerly of Robert J. & Geraldine Mosier;

9 Thence along the lands now or formerly of Robert J. &
10 Geraldine Mosier the following four (4) courses and distances:

11 1. S 61° 44' 40" W a distance of 72.25 feet to a set pin;

12 2. Thence S 22° 45' 20" E a distance of 78.00 feet to a
13 set pin;

14 3. Thence S 61° 44' 40" W a distance of 105.00 feet to a
15 set pin;

16 4. Thence S 17° 15' 20" E for a distance of 126.00 feet
17 to a 36" Oak, said point also being a point in common with the
18 northern line of T-458 (Queens Road);

19 Thence along the northern line of T-458 (Queens Road) S 64°
20 52' 09" W a distance of 142.89 feet to a set pin said point
21 being a point in common with Lot #2;

22 Thence along Lot #2 the following four (4) courses and
23 distances:

24 1. N 25° 17' 46" W a distance of 163.79 feet to a point;

25 2. Thence S 64° 52' 20" W a distance of 175.18 feet to a
26 point;

27 3. Thence S 53° 20' 40" W a distance of 82.83 feet to a
28 point;

29 4. Thence S 23° 45' 40" E for a distance of 156.05 feet
30 to a found pin, said point also being a point in common with

1 the northern line of T-458 (Queens Road);

2 Thence along the northern line of T-458 (Queens Road) Tract S
3 65° 54' 40" W a distance of 341.90 feet to a found pin, said
4 point being a point in common with the lands now or formerly of
5 Robert J. & Geraldine Mosier;

6 Thence along the line of lands now or formerly of Robert J. &
7 Geraldine Mosier; N 09° 32' 29" E a distance of 629.20 feet to
8 point in a stonewall, said point being the point of BEGINNING.

9 CONTAINING: 543,011.34 Square Feet or 12.47 Acres.

10 BEING the same tract of land acquired by the Commonwealth of
11 Pennsylvania, pursuant to Declaration of Taking, filed in the
12 Office of the Prothonotary of the Court of Common Pleas of
13 Bradford County on September 24, 1968, at No. 475B, July Term
14 1968, with a notice of the Declaration of Taking recorded at the
15 Office of the Recorder of Deeds of Bradford County on October
16 22, 1968 at Book 591, Page 607.

17 BEING Parcel Tax ID No. 04-088.00-005-000 000.

18 TRACT 3

19 ALL THAT CERTAIN tract of land situated in Asylum Township,
20 Bradford County, Pennsylvania in accordance with a plan entitled
21 Lots #1 & #2 for the Commonwealth of Pennsylvania, prepared by
22 Steven L. Shaylor, dated December 29, 1982, known as Lot #2,
23 being more fully bounded and described as follows:

24 BEGINNING at a found pin, said point being a point in common
25 with the northern line of T-458 (Queens Road) and the lands now
26 or formally French Azilum Inc.;

27 Thence along the lands now or formerly of French Azilum Inc.
28 the following four (4) courses and distances:

- 29 1. N 23° 45' 40" W a distance of 156.05 feet to a point;
30 2. Thence N 53° 20' 40" E a distance of 82.83 feet to a

1 point;

2 3. Thence N 64° 52' 20" E a distance of 175.18 feet to a
3 point;

4 4. Thence S 25° 17' 46" E a distance of 163.79 feet to a
5 point, said point also being a point in common with the northern
6 line of T-458 (Queens Road);

7 Thence along the northern line of T-458 (Queens Road) the
8 following two (2) courses and distances:

9 1. S 62° 03' 37" W a distance of 200.79 feet to set pin;

10 2. Thence S 65° 54' 40" W a distance of 60.00 feet to a
11 found pin; said point being the point of BEGINNING.

12 CONTAINING: 43,160.69 Square Feet or 0.99 Acres.

13 BEING a portion of Parcel Tax ID No. 04-088.00-005-000 000.

14 Section 3. Requirement for conveyance.

15 The conveyance authorized under this act shall be made under
16 and subject to all lawful and enforceable easements, servitudes
17 and rights of others, including, but not limited to, streets,
18 roadways and rights of any telephone, telegraph, water,
19 electric, gas or pipeline companies, as well as under and
20 subject to any lawful and enforceable estates or tenancies
21 vested in third persons appearing of record, for any portion of
22 the land or improvements erected thereon.

23 Section 4. Condition.

24 Any conveyance authorized under this act shall be made under
25 and subject to the condition, which shall be contained in the
26 deed of conveyance, that no portion of the property conveyed
27 shall be used as a licensed facility, as defined under 4 Pa.C.S.
28 § 1103 (relating to definitions), or any other similar type of
29 facility authorized under State law. The condition shall be a
30 covenant running with the land and shall be binding upon the

1 grantee and its successors. Should the grantee, or its
2 successors, permit any portion of the property authorized to be
3 conveyed under this act to be used in violation of this section,
4 the title shall immediately revert to and revest in the grantor.
5 Section 5. Restrictive covenants.

6 The following restrictive covenants shall be included in the
7 deed of conveyance:

8 The French Azilum property was developed with grant funds
9 provided by the Pennsylvania Department of Conservation and
10 Natural Resources (hereafter referred to as "the department").
11 The source of the funds is the Environmental Stewardship Fund
12 established by the Environmental Stewardship and Watershed
13 Protection Act, 27 Pa.C.S. § 6101-6119 (hereafter referred to as
14 "the act"). This property, or any portion of it, may not be
15 converted to purposes other than those authorized under the act.
16 The Pennsylvania Historical and Museum Commission's
17 responsibilities established under Article XVIII
18 (Acknowledgement of Assistance), Article XIX (Maintenance and
19 Open Use Responsibilities), Article XX (Nondiscrimination
20 Regarding Access/Residency); and Article XXI (Ownership and
21 Control; Non-Conversion of Use) of the department grant
22 agreement shall be performed by the grantee in perpetuity.

23 Declaration of Restrictive Covenants for Historic Preservation
24 French Azilum, Asylum Township, Bradford County, Pennsylvania

25 (1) Covenants. In consideration of the conveyance of the
26 aforementioned real property, Grantee covenants and agrees
27 for itself, its heirs, administrators, successors, and
28 assigns that the said herein conveyed property shall be
29 subject to the following historic preservation restrictions,
30 and shall do or refrain from doing with respect to the

1 subject property all acts required or prohibited by the
2 following preservation restrictions:

3 (A) Maintenance and Preservation. French Azilum
4 shall be maintained and preserved as a historic site
5 accessible by the public and for a demonstrable
6 public benefit with maintenance and preservation
7 standards acceptable to the Pennsylvania Historical
8 and Museum Commission.

9 (B) Historic Structures. French Azilum, the
10 historic structures and buildings that comprise the
11 property, shall be maintained and preserved in
12 accordance with the Secretary of the Interior's
13 Standards for the Treatment of Historic Properties.

14 (C) Landscape. The landscape of French Azilum
15 shall be preserved in a manner consistent with the
16 historic characteristics of the subject property and
17 shall not be used in any manner that would impair or
18 interfere with the historic interpretation of the
19 subject property.

20 (D) Prohibited Uses. No construction,
21 alteration, rehabilitation, remodeling, demolition,
22 site development, ground disturbance, removal of
23 buildings, addition of buildings, or use inconsistent
24 with the covenants herein, or any other action, shall
25 be undertaken or permitted to the subject property
26 without the prior written approval of the
27 Pennsylvania Historical and Museum Commission.

28 (E) Alterations/Modifications/Repairs. With the
29 prior written approval of the Pennsylvania Historical
30 and Museum Commission, alterations, modifications,

1 repairs or other work may be permitted to the subject
2 property, provided:

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

6 (II) Time. The Commission shall have 45 days
7 from the date of receipt of such notice to review
8 and approve the requested work in writing.

9 Consent shall be implied if the Commission does
10 not issue a written response approving the
11 request.

12 (F) Archeology and other Ground Disturbing
13 Activities. Mining, excavating, dredging or removing
14 from the subject property any natural resource which
15 removal would alter the historic value of the
16 property is prohibited without the prior written
17 approval of the Commission. Archeological
18 investigation may be required by the Commission for
19 any ground disturbing work and Grantee shall bear
20 full financial responsibility for any such work. The
21 following shall apply:

22 (I) Archeological Discoveries. In the event
23 archeological materials are discovered during any
24 ground disturbing activities, work shall
25 temporarily cease and the Commission shall be
26 consulted for guidance and direction before
27 ground disturbing work may continue.

28 (II) Standards for Archeology. Any
29 archeological work conducted on the subject
30 property shall be performed in accordance with

1 the Secretary of the Interior's Standards and
2 Guidelines for Archeological Documentation and
3 any further standards and guidelines the
4 Commission may require.

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

12 (3) Right of Reverter. The Commonwealth of Pennsylvania,
13 by and through the Pennsylvania Historical and Museum
14 Commission, hereby reserves for itself, heirs, successors and
15 assigns, a right of reverter on French Azilum, which shall
16 revert to and reinvest in the Commonwealth by operation of
17 law should any sale, transfer, or use of French Azilum be
18 inconsistent with or in violation of the restrictions
19 contained herein. The Commission, with the concurrence of the
20 Department of Conservation and Natural Resources, may waive
21 this provision provided Grantee petitions the Commission, in
22 writing, for such waiver.

23 (4) Exclusion. The Grantee agrees that the Commonwealth
24 of Pennsylvania, by and through any of its agencies, in no
25 way assumes any obligation whatsoever for maintaining,
26 repairing, or administering the subject property covered by
27 these restrictive covenants for historic preservation.

28 (5) Duration. These restrictive covenants for historic
29 preservation shall be binding in perpetuity on Grantee, its
30 heirs, administrators, successors and assigns and shall be

1 applicable to both the land and buildings and shall be deemed
2 to run with the land.

3 Section 6. Deed.

4 The deed of conveyance for Tract 1 and Tract 2 shall be by
5 special warranty deed and shall be executed by the Secretary of
6 General Services in the name of the Commonwealth of
7 Pennsylvania. The deed of conveyance for Tract 3 shall be by
8 quitclaim deed and shall be executed by the Secretary of General
9 Services in the name of the Commonwealth of Pennsylvania.

10 Section 7. Costs and fees.

11 Costs and fees incidental to this conveyance shall be borne
12 by the grantee.

13 Section 8. Expiration.

14 If the conveyance authorized under this act is not
15 effectuated within one year of the effective date of this act,
16 the authority provided under this act shall expire.

17 Section 9. Effective date.

18 This act shall take effect immediately.