

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL**No. 1509** Session of
2012

INTRODUCED BY EARLL, MAY 2, 2012

REFERRED TO STATE GOVERNMENT, MAY 2, 2012

AN ACT

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 Erie Art Museum, certain lands situate in the City of Erie, Erie County.

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

Section 1. Conveyance in City of Erie, Erie 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 of Pennsylvania to grant and convey to the Erie Art Museum a tract of land, including any improvements located thereon, the property being known locally as the Customs House, as described in subsection (b) for \$1.

(b) Property description.--The property to be conveyed pursuant to subsection (a) consists of approximately 0.20 acres, including any improvements located thereon, situate in the City of Erie, Erie County, more particularly described as follows:

The Point of BEGINNING is located South 27 degrees 00 minutes East a distance of 82 feet 6 inches from the Northeast property

line corner at East Fourth Street and State Street, thence by the following courses and distances; North 63 degrees 00 minutes East and parallel to East Fourth Street for a distance of 125 feet 0 inches to a point, on lands previously acquired by the General State Authority, thence along Western line of said lands South 27 degrees 00 minutes East for a distance of 70 feet 0 inches to a point, thence South 63 degrees 00 minutes West and parallel to the Northside of Cashiers House for a distance of 125 feet 0 inches to a point, said point being the Northwest corner of the above mentioned building, thence North 27 degrees 00 minutes West and parallel to State Street for a distance of 70 feet 0 inches to the point of BEGINNING.

BEING the same lands conveyed to the General State Authority (predecessor to the Department of General Services) by deed from the Commonwealth of Pennsylvania, acting by and through the Department of Property and Supplies (predecessor to the Department of General Services), dated March 26, 1968, and recorded in the Erie County Recorder of Deeds Office in Deed Book 979, Page 102.

(c) Easements.--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.

(d) Deed restriction.--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, its successors and assigns. Should the grantee, its successors or assigns permit any portion of the property authorized to be conveyed in this act to be used in violation of this subsection, 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:

"Under and Subject to the condition that the buildings and land conveyed herein shall be reasonably accessible to the general public and maintained and preserved according to the Secretary of the Interior's *Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings*, as revised in 1995. Should the grantee, its successors or assigns fail to provide reasonable access to the general public, or fail to maintain and preserve the property as set forth herein, the title to the property will immediately revert to and revest in the grantor.

Furthermore, the grantee shall ensure that any design for new construction, rehabilitation, alteration or demolition work on the property is compatible with its original architectural design and landscape/site plan in terms of scale, massing, fenestration, materials and color, and is consistent with the recommended approaches in the Secretary of the Interior's *Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings*, as revised in 1995.

No new construction, demolition, alteration, remodeling or

landscaping/site work shall be undertaken or permitted to be undertaken on the property without the prior, written approval of the Pennsylvania Historical and Museum Commission, or its successor, and signed by a duly authorized representative thereof.

These covenants are binding on the grantee, its successors or assigns in perpetuity."

(f) Execution of 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 of authority.--In the event that the conveyance is not effectuated within one year of the effective date of this section, the authority contained in this section shall expire.

Section 2. Effective date.

This act shall take effect immediately.