

REQUEST FOR INTEREST (RFI)

**Robert Fulton Birthplace
+/- 60 acres & 5 buildings
1932 Fulton Highway (Rt. 222)
Quarryville, PA 17566**

Background

The Department of General Services (DGS), on behalf of the Pennsylvania Historical and Museum Commission (PHMC), is looking to determine if there is any interest by the general public to acquire the historic Robert Fulton Birthplace from the Commonwealth of Pennsylvania and maintaining it in perpetuity as a historic site.

This RFI is not a formal solicitation to sell this property, and will not result in the sale of the property. If the Commonwealth determines to proceed to sell this property to the general public, a formal solicitation will be issued and interested bidders will be required to submit their proposal via a competitive sealed bid process.

About the Property

Restored birthplace (November 14, 1765) of the painter and inventor of the first commercially successful steamboat, the "Clermont." Fulton also developed diving boats, torpedoes, a power shovel and canal machinery. Robert Fulton Birthplace has been operated as a historic site/museum by the Southern Lancaster County Historical Society.

Instructions for Submitting a Letter of Interest

1. Any party wishing to express an interest in acquiring the subject property pursuant to this RFI, should submit a letter of interest, no later than the due date listed in Paragraph 3 of this Section, to PHMC detailing plans for future utilization of the property. In addition, a non-binding, proposed purchase price must be included indicating what consideration would be paid to the Commonwealth for the purchase of the property. Information showing that the entity is financially capable of undertaking the acquisition and ongoing maintenance of the property should also be included.
2. Attached to this RFI as Exhibit "A", is the "Declaration of Restrictive Covenants for Historic Preservation" that PHMC would require the property to be subject to for any future sale.
3. All letters of interest, whether delivered or sent by mail, must be received by the Commonwealth on or before 3:00 P.M. on February 6, 2015. If an interested party decides to mail its letter of interest, the party should allow adequate time for delivery. Letters of interest should be mailed to:

Lisa Burchfield
Administrative Officer, Fiscal & Office Support Services
PA Historical and Museum Commission, Bureau of Management Services
300 North Street
Harrisburg, PA 17120

All letters of interest should be clearly marked "Robert Fulton Birthplace" on the outside of the mailer package. All letters of interest received after **3:00 P.M., February 6, 2015** will be rejected and returned.

Disclaimer to Interested Parties

DGS currently does not have legislative authority to convey the subject property. The purpose of the RFI is to gauge if there is any interest by the general public to acquire the property. Neither DGS nor any party submitting a letter of interest will be bound to proceed with a sale/purchase of the property.

Commonwealth Participation

Access to the site will be permitted. Interested parties wanting to inspect the property should contact Janice Mullin at (717) 783-9935. The Commonwealth is not responsible for any accidents while on the site.

Exhibit “A”

DECLARATION OF RESTRICTIVE COVENANTS FOR HISTORIC PRESERVATION

IN RE

Robert Fulton Birthplace

By and Between

THE COMMONWEALTH OF PENNSYLVANIA

Acting By and Through the Pennsylvania Historical and Museum Commission [Grantor]

And

[Insert name of Grantee] [Grantee]

- I. **PURPOSE.** This restrictive covenant for historic preservation is authorized by [insert name of legislation transferring the property]. Its purpose is to assure that Robert Fulton Birthplace will be retained in perpetuity as a historic site/museum and for the preservation of its historic structures and landscape and to prevent any uses that would be inconsistent with the historic values of Robert Fulton Birthplace.
- II. **PROPERTY DESCRIPTION.** The real property that is the subject to this restrictive covenant for historic preservation is known as Robert Fulton Birthplace and is legally described in Exhibit B and includes approximately 61.87 acres located in the township of Fulton, county of Lancaster, Pennsylvania with an address of 1932 Fulton Highway (Rt. 222), Quarryville, PA 17566. For Grantor’s Title to the property, see see various deeds as described in Exhibit B.
- III. **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:
 - a. **Maintenance and Preservation.** Robert Fulton Birthplace shall be maintained and preserved as a historic site/museum accessible by the public and for a demonstrable public benefit with maintenance and preservation standards acceptable to the Pennsylvania Historical and Museum Commission.
 - b. **National Register.** Robert Fulton Birthplace is on The National Register of Historic Places and shall be maintained and preserved in a manner consistent with that designation.
 - c. **Historic Structures.** Robert Fulton Birthplace, the 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.
 - d. **Landscape.** The landscape of Robert Fulton Birthplace shall be preserved in manner consistent with the historic characteristics of the subject property and shall not be used in manner that would impair or interfere with the historic interpretation of the subject property.
 - e. **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.
 - f. **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:
 - i. **Notice.** Timely notice shall be afforded to the Commission in advance of any such requested work on the subject property.

- ii. Time. The Commission shall have 45 days from the date of receipt of such notice to review and approved the requested work in writing. Consent shall be implied if the Commission does not issue a written response approving the request.
- g. **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.
 - i. 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.
 - ii. 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.
- h. **Licensed Facility**. Robert Fulton Birthplace shall not be used as a licensed facility, as defined by 4 Pa.C.S. 1103 (relating to definitions), or any other similar type of facility authorized under the laws of the Commonwealth of Pennsylvania. Title shall immediately revert to and reinvest in the Commonwealth should this section be violated.

- IV. 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.
- V. 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 Robert Fulton Birthplace, which shall revert to and reinvest in the Commonwealth by operation of law should any sale, transfer, or use of Robert Fulton Birthplace be inconsistent with or in violation of the restrictions contained herein. The Commission may waive this provision provided the Grantee petitions the Commission, in writing, for such waiver.
- VI. 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.
- VII. SUBJECT TO OTHER RESTRICTIONS**. The conveyance of Robert Fulton Birthplace shall be made under and subject to all easements, servitudes and other restrictions on the subject property including, but not limited to: rights of way for ingress and egress, public utilities or other interests vested in third parties.
- VIII. 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.

Exhibit B

Comprising 2.7 acres, more or less: Title is vested in General State Authority by Deed from the Commonwealth of Pennsylvania dated November 12, 1968 in and for the Office of the Recorder of Deeds of Lancaster County, in Record Book L, Volume 58, Page 587, with boundaries described as follows: Beginning at the intersection of the South side of T-468 and the West side of Route No. 222, thence by the following courses and distances, South with a chord distance of 165 feet to a point, thence west a distance of 290 feet to a point, thence North a distance of 175 feet to a point, thence North 51 degrees 00 minutes West a distance of 305 feet to a point, thence North 39 degrees 00 minutes East a distance of 170 feet to a point on the south side of T-468 thence along same South 51 degrees 00 minutes East a distance of 330 feet to a point, thence a bearing of South 55 degrees 00 minutes East with a chord distance of 205 feet to the Point of Beginning.

Comprising 55 acres, more or less: Title is vested in General State Authority and Department of General Services of the Commonwealth of Pennsylvania as described and recorded in and for the Office of the Recorder of Deeds of Lancaster County:

- Release agreement dated August 25, 1965, in Record Book D, Volume 55, Page 20; for lands west of US Route No. 222, bounded partly on the south by Township Road, #339, and on the north by lands conveyed to Solanco School District.
- Release agreement dated August 25, 1965, in Record Book H, Volume 55, Page 276; 81 perches of improved land in Fulton Township bounded on all sides by lands now or formerly of Joseph Swift and Harvey Swift..
- Deed dated March 1, 1982 and subsequently recorded April 6, 1982 in Record Book I, Volume 84, Page 329; All that certain land adjacent to the property known as the Robert Fulton Birthplace in Fulton Township, Lancaster County bounded and described as follows: Beginning at a point in the middle of U.S. Highway 222 where its centerline intersects that of Legislative Route 36092 and T-339; thence along the middle of U.S. 222 on an arc of a 370 foot radius curve to the left 178.01 feet to a railroad spike the chord being 176.30 feet and bearing north 10 degrees 42 minutes 30 seconds east; thence along land of the Commonwealth of Pennsylvania, Department of Forest and Waters, passing over an iron pipe on sideline of road at 38.98 feet, south 51 degrees 30 minutes east 203.57 feet to an iron pipe; thence by same land south 52 degrees 59 minutes 30 seconds west 66.07 feet to a pk spike in the middle of Township Road T-339 after passing over an iron pipe on side line of road at 29.32 feet; thence along the middle of road south 87 degrees 14 minutes 05 seconds west 139.48 feet to the place of beginning, containing .39 acres more or less.
- Deed dated February 6, 1979 and subsequently recorded July 10, 1979 in Record Book Q, Volume 77, Page 357; All that certain piece or tract of land formerly a roadway and roadbed known as Swift Road and T-468, running through lands of the Robert Fulton Birthplace, situate in Fulton Township, Lancaster County, Pennsylvania, bounded and more specifically defined as follows: Beginning at the Easternmost corner thereof, at a point on the West right-of-way line of US Route 222, and being on the North right-of-way line of the herein described tract; thence extending along the former, on a line curving to the left, having a radius of 746.20 feet, an arc length of 33.00 feet, a chord bearing of South 20 degrees 10 minutes 29 seconds West, and a chord distance of 33.00 feet to a point on the South right-of-way line of the herein described tract; thence extending along the same Four (4) following courses and distances: (1) North 68 degrees 59 minutes 08 seconds West, a distance of 57.93 feet to a point, (2) North 56 degrees 20 minutes 01 seconds West, a distance of 90.10 feet to a point, (3) North 51 degrees 35 minutes 28 seconds West, a distance of 120.65 feet to a point, (4) North 51 degrees 33 minutes 33 seconds West, a distance of 252.09 feet to a point on the South right-of-way line of the proposed relocated Swift Road; thence extending along the same the Two (2) following courses and distances: (1) on a line curving to the left, having a radius of 225.00 feet, an arc length of 57.67 feet, a chord bearing of South 73 degrees 59 minutes 25 seconds East, and a chord distance of 57.52 feet to a point, and (2) South 81 degrees 20 minutes 00 seconds East, a distance of 22.26 feet to a point on the North right-of-way line of the herein described tract; thence extending along the same the Four (4) following courses and distances: (1) South 51 degrees 33 minutes 33 seconds East, a distance of 179.56 feet to a point, (2) South 51 degrees 35 minutes 28 seconds East, a distance of 119.30 feet to a point, (3) South 56 degrees 20 minutes 01 seconds East, a distance of 85.07 feet to a point, and (4) South 68 degrees 59 minutes 08 seconds East, a distance of 53.79 feet to the place of BEGINNING, containing .359 acres more or less.