

RESOLUTION NO. 71105

A RESOLUTION OF THE BOROUGH OF GETTYSBURG, ADAMS COUNTY, PENNSYLVANIA, AUTHORIZING ENTRY INTO A PRESERVATION COVENANT WITH THE PENNSYLVANIA STATE HISTORIC PRESERVATION OFFICER RELATIVE TO THE GETTYSBURG RAILROAD STATION.

WHEREAS, as part of the Train Station Project, the Borough of Gettysburg is in the process of restoring and preserving the Gettysburg Railroad Station; and

WHEREAS, the Borough of Gettysburg has obtained a grant in the amount of \$125,000.00 from the United States Department of the Interior, National Park Service, for the historic preservation of the train station in accordance with the "Save America's Treasures Grant Program"; and

WHEREAS, as a condition of the grant, the Borough of Gettysburg is required to enter into a Preservation Covenant with the Pennsylvania State Historic Preservation Officer agreeing to preserve and maintain the Gettysburg Railroad Station in accordance with certain standards; and

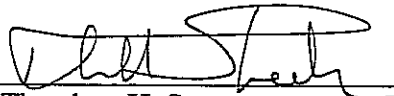
WHEREAS, the Borough Council of the Borough of Gettysburg desires to authorize the entry into a Preservation Covenant with the Pennsylvania State Historic Preservation Officer.

RESOLVED, that the Borough Council of the Borough of Gettysburg does hereby authorize the Borough of Gettysburg to enter into a Preservation Covenant with the Pennsylvania State Historic Preservation Officer in the form annexed hereto as Exhibit "A."

BE IT FURTHER RESOLVED, that the Borough Council of the Borough of Gettysburg hereby authorizes Dr. Walter L. Powell, Director of Planning and Development, to execute and deliver the said Preservation Covenant on behalf of the Borough of Gettysburg.

THIS RESOLUTION DULY ADOPTED according to law on the 11th day of July, 2005, at a duly advertised regular meeting of the Borough Council of the Borough of Gettysburg.

BOROUGH OF GETTYSBURG

By: 
Theodore H. Streefer
President of Borough Council

Attest:

Sara L. Stull
Sara L. Stull, Secretary

APPROVED this 11th day of July, 2005.

William E. Troxell
William E. Troxell, Mayor

PRESERVATION COVENANT

Grantee hereby covenants on behalf of itself, its successors and assigns, to the Pennsylvania State Historic Preservation Officer (SHPO) to preserve and maintain the Gettysburg Railroad Station located in the Borough of Gettysburg, County of Adams, State of Pennsylvania, in a manner that preserves and maintains the attributes that contribute to the eligibility of the Gettysburg Railroad Station, of which said real property is a part, for the National Register of Historic Places. Such attributes include exterior features and interior features determined significant by the Pennsylvania SHPO.

(1) The Gettysburg Railroad Station will be preserved and maintained in accordance with *Secretary of Interior's Standards for Historic Preservation*. No construction, alteration, rehabilitation, remodeling, demolition, or other action shall be undertaken or permitted to be undertaken on the Gettysburg Railroad Station that would materially affect the integrity of the appearance of the attributes described above without the prior written permission of the Pennsylvania State Historic Preservation Officer (SHPO), and signed by a fully authorized representative thereof.

(2) The Grantee will take prompt action to ensure the property from the elements, vandalism, and arson, and will undertake any stabilization that may be required to prevent deterioration. Grantee will make every effort to retain or reuse, to the extent practicable, the historic structures.

(3) The Grantee will allow the Pennsylvania SHPO or his/her designee, at all reasonable times and upon reasonable advance notice to Grantee, to inspect the Gettysburg Railroad Station in order to ascertain whether Grantee is complying with the conditions of this preservation covenant.

(4) Failure of the Pennsylvania SHPO to exercise any right or remedy granted under this covenant shall not have the effect of waiving or limiting the exercise by the Pennsylvania SHPO or any other right or the invocation of such right or remedy at any other time.

(5) In the event of a violation of this covenant, and in addition to any remedy now or hereafter provided by law, the Pennsylvania SHPO may, following reasonable notice to Grantee, institute suit to enjoin said violation or to require the restoration of the Gettysburg Railroad Station. The successful party shall be entitled to recover all costs or expenses incurred in connection with such a suit, including all court costs and attorney's fees.

Exhibit "A"

This covenant is binding on Grantee, its successors and assigns for the term of fifty (50) years. The restrictions, stipulations and covenants contained herein shall be inserted by Grantee, its successors and assigns, verbatim or by express reference in any deed or other legal instrument by which it divests itself of either the fee simple title or any lesser estate in the Gettysburg Railroad Station, or any part thereof.

PENNSYLVANIA STATE HISTORIC
PRESERVATION OFFICER

BOROUGH OF GETTYSBURG

BY: _____

BY: _____

NAME: Jean H. Cutler

NAME: Dr. Walter L. Powell

TITLE: State Historic Preservation Officer

TITLE: Director of Planning and
Development

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF ADAMS

On this, the _____ day of _____, 2005, before me, a Notary Public, the undersigned officer, personally appeared Jean H. Cutler, State Historic Preservation Officer of the State of Pennsylvania, and she as such State Historic Preservation Officer, being authorized to do so, executed the foregoing instrument for the purposes therein contained by signing the name of the State of Pennsylvania by herself as State Historic Preservation Officer.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Notary Public

My commission expires:

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF ADAMS

On this, the _____ day of _____, 2005, before me, a Notary Public, the undersigned officer, personally appeared Dr. Walter L. Powell, Director of Planning and Development of the Borough of Gettysburg, and he as such Director of Planning and Development, being authorized to do so, executed the foregoing instrument for the purposes therein contained by signing the name of the Borough of Gettysburg by himself as Director of Planning and Development.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Notary Public

My commission expires:

PRESERVATION COVENANT

Grantee hereby covenants on behalf of itself, its successors and assigns, to the Pennsylvania State Historic Preservation Officer (SHPO) to preserve and maintain the Gettysburg Railroad Station located in the Borough of Gettysburg, County of Adams, State of Pennsylvania, in a manner that preserves and maintains the attributes that contribute to the eligibility of the Gettysburg Railroad Station, of which said real property is a part, for the National Register of Historic Places. Such attributes include exterior features and interior features determined significant by the Pennsylvania SHPO.

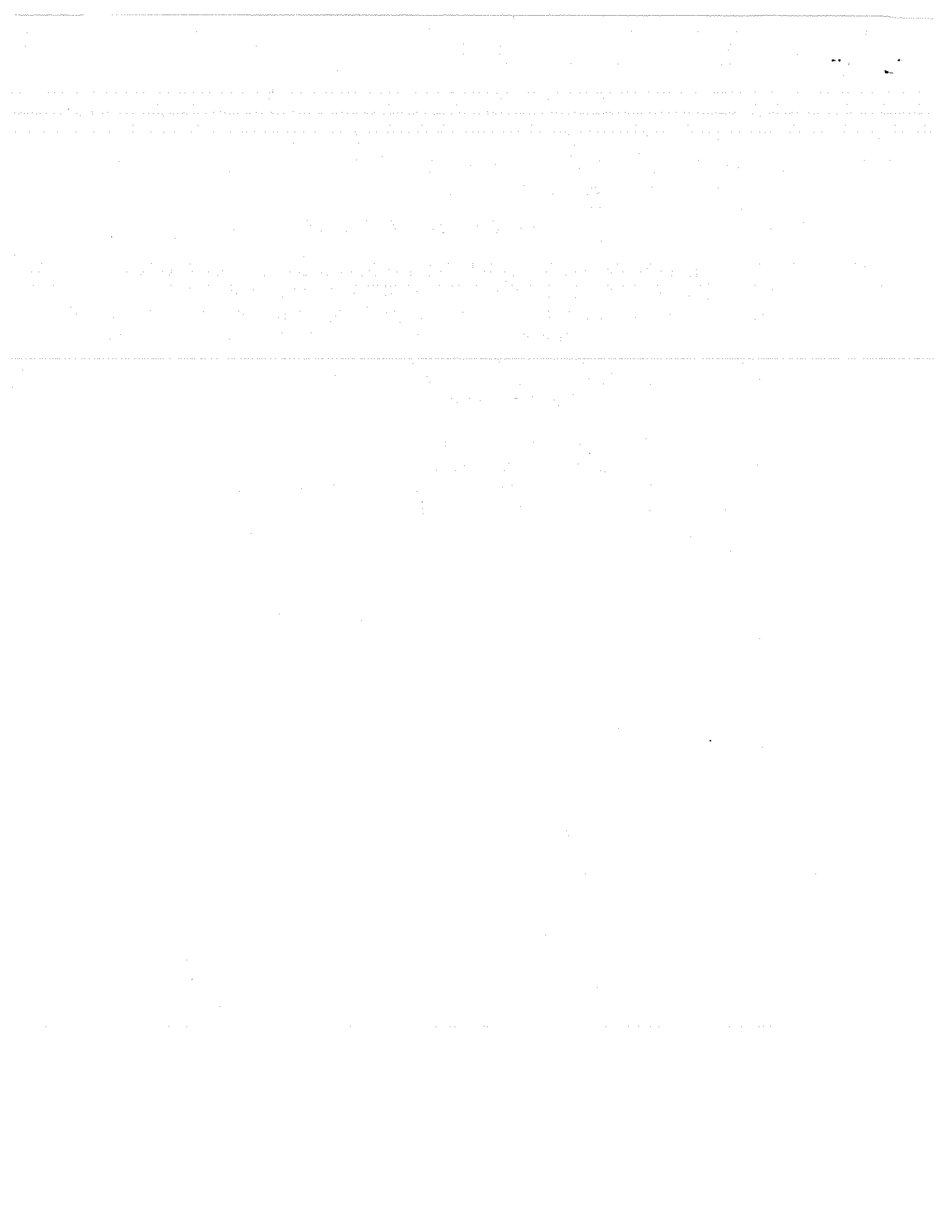
(1) The Gettysburg Railroad Station will be preserved and maintained in accordance with *Secretary of Interior's Standards for Historic Preservation*. No construction, alteration, rehabilitation, remodeling, demolition, or other action shall be undertaken or permitted to be undertaken on the Gettysburg Railroad Station that would materially affect the integrity of the appearance of the attributes described above without the prior written permission of the Pennsylvania State Historic Preservation Officer (SHPO), and signed by a fully authorized representative thereof.

(2) The Grantee will take prompt action to ensure the property from the elements, vandalism, and arson, and will undertake any stabilization that may be required to prevent deterioration. Grantee will make every effort to retain or reuse, to the extent practicable, the historic structures.

(3) The Grantee will allow the Pennsylvania SHPO or his/her designee, at all reasonable times and upon reasonable advance notice to Grantee, to inspect the Gettysburg Railroad Station in order to ascertain whether Grantee is complying with the conditions of this preservation covenant.

(4) Failure of the Pennsylvania SHPO to exercise any right or remedy granted under this covenant shall not have the effect of waiving or limiting the exercise by the Pennsylvania SHPO or any other right or the invocation of such right or remedy at any other time.

(5) In the event of a violation of this covenant, and in addition to any remedy now or hereafter provided by law, the Pennsylvania SHPO may, following reasonable notice to Grantee, institute suit to enjoin said violation or to require the restoration of the Gettysburg Railroad Station. The successful party shall be entitled to recover all costs or expenses incurred in connection with such a suit, including all court costs and attorney's fees.



This covenant is binding on Grantee, its successors and assigns for the term of fifty (50) years. The restrictions, stipulations and covenants contained herein shall be inserted by Grantee, its successors and assigns, verbatim or by express reference in any deed or other legal instrument by which it divests itself of either the fee simple title or any lesser estate in the Gettysburg Railroad Station, or any part thereof.

PENNSYLVANIA STATE HISTORIC
PRESERVATION OFFICER

BOROUGH OF GETTYSBURG

BY: _____

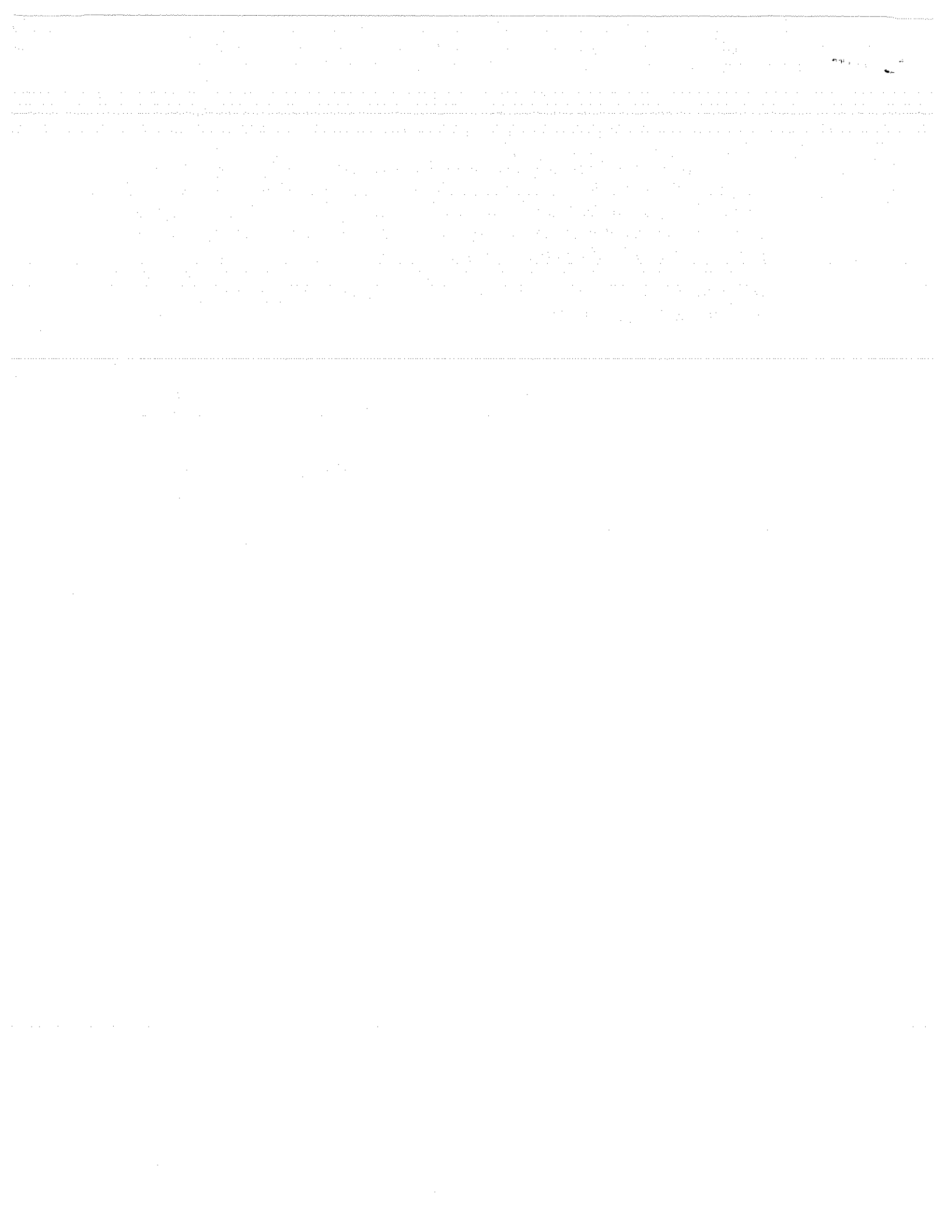
BY: Dr. Walter L. Powell

NAME: Jean H. Cutler

NAME: Dr. Walter L. Powell

TITLE: State Historic Preservation Officer

TITLE: Director of Planning and
Development



COMMONWEALTH OF PENNSYLVANIA

COUNTY OF ADAMS

On this, the _____ day of _____, 2005, before me, a Notary Public, the undersigned officer, personally appeared Jean H. Cutler, State Historic Preservation Officer of the State of Pennsylvania, and she as such State Historic Preservation Officer, being authorized to do so, executed the foregoing instrument for the purposes therein contained by signing the name of the State of Pennsylvania by herself as State Historic Preservation Officer.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Notary Public

My commission expires:

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF ADAMS

On this, the 11th day of JULY, 2005, before me, a Notary Public, the undersigned officer, personally appeared Dr. Walter L. Powell, Director of Planning and Development of the Borough of Gettysburg, and he as such Director of Planning and Development, being authorized to do so, executed the foregoing instrument for the purposes therein contained by signing the name of the Borough of Gettysburg by himself as Director of Planning and Development.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Sara L. Stull

Notary Public

My commission expires:

