

RESOLUTION NO. 09-09

A RESOLUTION OF THE TOWNSHIP OF AMITY, BERKS COUNTY, PENNSYLVANIA, FOR THE CONDEMNATION OF A PORTION OF LAND OWNED BY THE CHARLES H. BERNET AND BETTY M. BERNET OWNER OF LAND ON MONOCACY CREEK ROAD, SITUATE IN THE TOWNSHIP OF AMITY, BERKS COUNTY, PENNSYLVANIA, AS MORE FULLY DESCRIBED IN RECORD BOOK VOLUME 1490, PAGE 0097 AND RECORD BOOK VOLUME 1513, PAGE 0094, IN ACCORDANCE WITH THE SECOND CLASS TOWNSHIP CODE, 53 P.S. 65101 et seq., AND THE EMINENT DOMAIN CODE, 26 Pa.C.S.A. § 101 et seq.

WHEREAS, in order to provide for required sanitary sewage facilities, situate in the Township of Amity, Berks County, Pennsylvania (the "Township"), the Township requires a portion of the land and improvements owned by the Charles H. Bernet and Betty M. Bernet located on Monocacy Creek Road (the "Property"), situate in the Township of Amity, Berks County, Pennsylvania, more fully described in Record Book Volume 1490, page 0097 and Record Book Volume 1513, page 0094, attached hereto collectively as Exhibit "A."

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Board of Supervisors of the Township of Amity, Berks County, Pennsylvania that the Township will condemn an interest in a portion of the Property as collectively depicted as Exhibit "B" hereto for the purposes of obtaining a perpetual sanitary sewer easement for the operation, construction laying, patrolling, inspecting, altering, maintaining, repairing, replacing and/or removing a sanitary sewer line, and all appurtenances thereto, in, over, under and across a portion of the Property, together with the right of ingress, egress, and regress in, along, over and across the Property for the purpose of exercising the rights to be obtained, and to enter the Property for the conduct of surveys and to establish the lines for the sanitary sewer line, to place surface markers, and to clear and keep cleared all trees, roots, brush, buildings and other obstructions from the surface and subsurface of the Property, together with a Temporary Construction Easement, depicted collectively as Exhibit "B" said Township sanitary sewage facilities to be developed and constructed to serve the residents of the Township, in accordance with the Second Class Township Code, 53 P.S. § 65101, et seq. and the Eminent Domain Code, 26 Ps.C.S.A. §101, et seq.

BE IT FURTHER RESOLVED, all appropriate actions be taken to carry out the intent and purpose of this resolution, including, but not limited to, the preparation of a Deed in Lieu of Condemnation and/or the preparation of all appropriate condemnation documents by the Township's Solicitor and the filing of all such Deed in Lieu of Condemnation and/or appropriate condemnation documents by the Township's Solicitor.

DULY ADOPTED AND APPROVED this 1st day of April, 2009.

BOARD OF SUPERVISORS,
TOWNSHIP OF AMITY

Kim McGrath
Chairman (Vice)

I certify that this is a true and correct copy of a Resolution adopted by the Board of Supervisors of the Township of Amity, Berks County, Pennsylvania on April 1, 2009.

[Signature]
Secretary

EXHIBIT A

This Indenture, Made the

21 Day of August in the year of our
Lord one thousand nine hundred and SIXTY - SEVEN (1967).

Between PAUL A. BERNET and MARIAN BERNET, his wife, of Amity Town-
ship, Berks County, Pennsylvania, parties of the first part, * * * * *

* * * * * AND * * * * *

CHARLES H. BERNET and BETTY M. BERNET, his wife, of Amity Township
Township, Berks County, Pennsylvania, parties * * * * *

of the second part: **Witnesseth** That the said part — ies — of the first part, for and in
consideration of the sum of ONE DOLLAR (\$1.00)

lawful money of the United States of America, well and truly paid by the said part ies of
the second part to the said part ies of the first part, at or before the enrolling and delivery
of these presents, the receipt whereof is hereby acknowledged, ___ have ___ granted,
bargained, sold, aliened, enfeoffed, released, conveyed and confirmed, and by these presents
___ do ___ grant, bargain, sell, alien, enfeoff, release, convey and confirm unto the
said part ies of the second part, ___ their ___ heirs and assigns forever.

NO. 1 - ALL THAT CERTAIN lot or piece of ground with a dwelling house
erected thereon, situate in Amity Township, Berks County, Pennsylvania, bounded
and described as follows, to wit:

BEGINNING at a corner in the center line of the public highway lead-
ing from State Highway Traffic Route No. 422 to Monocacy, thence along the same
south 34 degrees 15 minutes East 65 feet to a corner of lands now or late of Robert
M. Bernet and wife, thence along the same South 70 degrees west 220 feet to a cor-
ner, thence north 14 degrees west 65 feet to a corner on the south side of a one
hundred feet wide right of way owned by the John T. Dyer Quarry Company, thence
along the same South 71 degrees west 200 feet to the place of BEGINNING.

CONTAINING 44.8 perches.

IT BEING the same premises which Robert M. Bernet and Maude S.
Bernet, his wife, by deed dated November 13, 1954, for the consideration therein
mentioned, did grant and convey unto Paul A. Bernet and Marian Bernet, his wife,
parties of the first part hereto, in fee, said deed being recorded in Deed Book Vol.
1345 Page 455, Berks County records.

The parties of the first part, also, grant unto the parties of the second
part, their heirs and assigns the right to have the septic tank to which they drain the
waste water from the bathroom and maintain the same on the adjoining property of
the said parties of the first part; the said septic tank to remain at the same location
that it is at the present time.

NO. 2 - ALL THAT CERTAIN lot or piece of ground together with the one story frame dwelling erected thereon, situate on the western side of the Macadam State Highway - Legislative Route No. 06179, leading from the Philadelphia Pike - Route No. 422 towards Monocacy, in the Township of Amity, County of Berks and Commonwealth of Pennsylvania, bounded on the north by property now or late belonging to Paul A. Bernet and Marian Bernet, his wife, on the east by the aforesaid Macadam State Highway - Legislative Route No. 06179, on the south by property belonging now or late to Mary B. Burkhart, and residue proper on the west by residue property belonging now or late to Robert M. Bernet and Maude S. Bernet, his wife, and being more fully bounded and described as follows, to wit:

BEGINNING at a corner marked by an iron pin in the center of the Macadam State Highway - Legislative Route No. 06179, leading from the Philadelphia Pike to Monocacy, the aforesaid point of Beginning being the most north-eastern corner of the herein described property and being a corner of property now or late belonging to Paul A. Bernet and Marian Bernet, his wife, thence in and along the aforesaid Macadam State Highway - Legislative Route No. 06179, south thirty-four (34) degrees two (02) minutes thirty (30) seconds East a distance of seventy-two and fifty-five one hundredths feet (72.55') to a corner marked by an iron pin, thence leaving the aforesaid Macadam State Highway and along property belonging to Mary B. Burkhart, and residue property belonging now or late to Robert M. Bernet and Maude S. Bernet, his wife, passing through an iron pin thirty-nine and two-tenths feet (39.2') from the last described corner, and passing through another iron pin eighty-two and five one-hundredths feet (82.05') from the next described corner, south seventy-three (73) degrees two (02) minutes west, a distance of two hundred forty-four and five one hundredths feet (244.05') to a corner marked by an iron pin, thence continuing along residue property belonging now or late to Robert M. Bernet and Maude S. Bernet, his wife, north fourteen (14) degrees west a distance of fifty-seven and eight tenths feet (57.8') to a corner marked by an iron pin, thence along property belonging now or late to Paul A. Bernet and Marian Bernet, his wife, passing through an iron pin twenty-three and thirty-five one hundredths feet (23.35') from the next described corner, north seventy degrees east a distance of two hundred twenty and seven one hundredths feet (220.07') to the place of BEGINNING.

CONTAINING fourteen thousand seven hundred eighty-eight and forty two one hundredths (14,788.42) square feet.

IT BEING THE SAME PREMISES which Robert M. Bernet and Maude S. Bernet, his wife, by deed dated August 18, 1965 (in the acknowledgement) did grant and convey unto Paul A. Bernet and Marian Bernet, his wife, parties of the first part hereto, in fee, said deed being recorded in Deed Book Vol. 1473 Page 995, Berks County records.

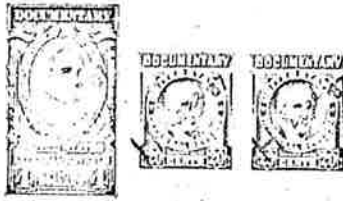
Consideration \$ 4,000.00

Monthly Transfer Tax paid on \$ 4000.00
 + Amity Surplus \$ 40.00
 _____ \$ _____

BELL _____ Collect

Together with all and singular the buildings, improvements, woods, ways, rights, liberties, privileges, hereditaments, and appurtenances, to the same belonging, or in any wise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and of every part and parcel thereof: And also all the estate, right, title, interest, _____ property, possession, claim and demand whatsoever, both in law and equity, of the said part ies of the first part, of, in, and to the said premises, with the appurtenances

To have and to hold the said premises, with all and singular the appurtenances, _____ within described _____ unto the said part ies of the second part, _____ their _____ heirs and assigns, to the only proper use, benefit and behoof of the said part ies of the second part, _____ their _____ heirs and assigns forever



And

the said part ies of the first part, for _____ themselves, their heirs, executors and administrators, do _____ by these presents, covenant, grant and agree to and with the said part ies of the second part, _____ their _____ heirs and assigns forever, that they the said part ies of the first part, _____ their _____ heirs, all and singular the hereditaments, and premises herein above described and granted, or mentioned and intended so to be, with the appurtenances, unto the said part ies of the second part, _____ their _____ heirs and assigns against them the said part ies of the first part, and _____ their _____ heirs, and against all and every other person or persons whomsoever lawfully claiming or to claim the same or any part thereof, by, from, or under him, her, them, or any of them, _____ SHALL and WILL

WARRANT and forever DEFEND.

In Witness Whereof, the said part ies of the first part to these presents have hereunto set their hand s and seal s, Dated the day and year first above written.

Signed, Sealed and Delivered }
IN THE PRESENCE OF

Malden & Shapiro
William Duff

Paul A. Barnett
Marion Bennett

Actual Consideration _____



Received the day of the date of the above Indenture of the above-named

State of PENNSYLVANIA

County of BERKS

On the 21 day of August Anno Domini 19 67, before me,

the undersigned authority, personally appeared the above-named PAUL A. BERNET and MARIAN BERNET, his wife, parties of the first part hereto,

and in due form of law acknowledged the above Indenture to be their act and deed, and desire the same might be recorded as such.

Witness my hand and official seal the day and year aforesaid.

Myablon E. Shapiro
MY COMMISSION EXPIRES
JANUARY 3, 1972

I hereby certify that the precise residence of the grantee herein named is R.O. # 2 Douglassville, Pa

for grantees

PAUL A. BERNET and
MARIAN BERNET, his wife

to

CHARLES H. BERNET and
BETTY M. BERNET,
his wife

Premises situate in Amity
Township, Berks Co., Penna.

AUG 22 8 06 A 1967
RECORDER OF DEEDS
BERKS COUNTY, PA

Fid 4.40 /
Stk 40.00
Loc 40.00

1513 8919 94

MAIL 用 正 在 用

Recorded in the office for Recording of Deeds in and for Berks

in Deed Book

Nc. 1513

Page 94 Etc.

Witness my hand and seal of Office this 22

day of Aug Anno Domini 19 67

VCL1513 PAGE 97

Jedger Hilgendorf
Recorder

This Indenture, Made the

First Day of July in the year of our
 Lord one thousand nine hundred and sixty-six (1966)

Between

ROBERT M. BERNET and **MAUDE S. BERNET**, his wife, of the Township of Amity, County of Berks and Commonwealth of Pennsylvania, hereinafter called the parties of the first part.

AND

CHARLES H. BERNET and **BETTY M. BERNET**, his wife, of R.D. No. 2 Douglassville, County of Berks and Commonwealth of Pennsylvania, hereinafter called the parties of the second part.

of the second part: ~~Witnesseth~~ That the said part ies of the first part, for and in consideration of the sum of One Dollar (\$1.00)

lawful money of the United States of America, well and truly paid by the said parties of the second part to the said part ies of the first part, at or before the encasing and delivery of these presents, the receipt whereof is hereby acknowledged, have granted, bargained, sold, aliened, enfeoffed, released, conveyed and confirmed, and by these presents do grant, bargain, sell, alien, enfeoff, release, convey and confirm unto the said parties of the second part, their heirs and assigns forever,

All that certain lot or piece of ground, situate in Amity Township, Berks County and State of Pennsylvania, bounded and described as follows, to wit:

BEGINNING at a point in the center line of the macadam Highway leading from State Highway Traffic Route No. 422 to Monocacy - Legislative Route No. 06179, the aforesaid point of Beginning being the Southeastern corner of Mary B. Burkhart and also being one thousand and eighty-seven feet seven and one quarter inches from the now or late farm of Samuel A. Fick and his wife in a southerly direction South 33°45' East; thence in and along aforesaid Legislative Route 06179 South Fifty-nine degrees five minutes East (s59°05'E) a distance of four hundred thirty and fifty hundreths feet (430.50') along the property of the now or late Ada P. Cook to a point, thence in a southerly direction South 49°30' West a distance of 264.60' to the middle of Monocacy Creek, thence upstream in and along Monocacy Creek the following four meets and bounds: North eightytwo degrees 82° thirty (30') minutes West five hundred fifty feet to a corner, North seventy (70) degrees and thirty (30) minutes West five hundred thirty (530') feet to a corner, North sixty seven (67) degrees West three hundred thirty-one feet (331') to a corner, North sixty-nine (69) degrees thirty (30) minutes West two hundred thirty-eight and four tenths feet (238.4) to a point of tangency along the right of way of the John T. Dyer Quarry Company, a Pennsylvania corporation; thence along the southwest side of said right of way and crossing Monocacy Creek North eighty-four (84) degrees twenty (20) minutes east a distance of eight hundred fifty-five feet (855') six (6") inches to a point of curve, thence by a curve bearing to the left having a chord with a bearing of North seventy-three (73) degrees sixteen and one-half (16½) minutes East and a distance of three hundred eighty-five (385) feet six and one-half (6½) inches a radius of one thousand five (1005) feet a central angle of twenty-two (22) degrees seven (7) minutes and a distance along the arc of three hundred eighty-seven (387) feet eleven and one-fourth (11¼) inches to a point in Legislative Route 06179, said point being South thirty-three (33) degrees forty-five (45) minutes East a distance of six hundred fifty-four (654) feet eight and one half (8½) inches from a corner in the aforesaid macadam state highway marking the southeastern corner of property belonging to Samuel A. Fick, thence along same across entrance to right of way at John T. Dyer Quarry Company a distance of one hundred feet; seven and one-

quarter (7 $\frac{1}{2}$) inches, thence in and along property belonging to Ada P. Cook, south thirty-three (33) degrees forty-five (45) minutes east a distance of sixty-six (66) feet and (4) four one hundredths feet to an iron pin the corner of Paul A. Bernet and Marian Bernet, his wife, thence leaving Legislative Route 06179 South seventy-one (71) degrees West two hundred (200) feet to a corner, thence South fourteen (14) degrees East a distance of one hundred twenty-two and eight tenths (122.8) feet to a corner marked by an iron pin, thence North eighty-six (86) East eighty-two (82) feet to a corner marked by an iron pin said corner being the north west corner of Mary B. Burkhart, thence along same South fourteen (14) degrees two (2) minutes East a distance of two hundred one and eight tenths (201.8) feet to a corner marked by an iron pin, thence continuing along same now or late Mary B. Burkhart North fifty (50) degrees twelve (12) minutes East passing through an iron pin at a distance of two hundred nineteen and forty-two one hundredths (219.42) to the center line of Legislative Route 06179 at a distance of two hundred thirty-one (231) feet to the place of Beginning.

CONTAINING

It being a part of the same premises which the John T. Dyer Quarry Company, by its Indenture dated the 10th day of December A.D. 1943 (Recorded in Deed Book No. 888, page 395 in the Recorders Office of the County of Berks) did grant and confirm unto Robert M. Bernet and Maude S. Bernet, his wife (grantors herein) in fee. Relation thereunto had will more fully and at large appear.

This conveyance is from Parents to Son and Daughter-in-law. Therefor not taxable.

Reading, Pa. July 5 1966

I hereby certify that the actual consideration in this Deed is not over One Hundred Dollars.

for William Dyer
for GRANTOR

Together with all and singular the buildings, improvements, woods, ways, rights, liberties, privileges, hereditaments, and appurtenances, to the same belonging, or in any wise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and of every part and parcel thereof: And also all the estate, right, title, interest, property, possession, claim and demand whatsoever, both in law and equity, of the said parties of the first part, of, in, and to the said premises, with the appurtenances

To have and to hold the said premises, with all and singular the appurtenances, unto the said part of the second part, their heirs and assigns, to the only proper use, benefit and behoof of the said parties of the second part, their heirs and assigns forever

And

the said parties of the first part, for their heirs, executors and administrators, do here by these presents, covenant, grant and agree to and with the said parties of the second part, their heirs and assigns forever, that the said parties of the first part, their heirs, all and singular the hereditaments, and premises herein above described and granted, or mentioned and intended so to be, with the appurtenances, unto the said parties of the second part, their heirs and assigns against the said part of the first part, and their heirs, and against all and every other person or persons whomsoever lawfully claiming or to claim the same or any part thereof, SHALL and WILL

WARRANT and forever DEFEND.

In Witness Whereof, the said parties of the first part to these presents hereunto set their hands and seals Dated the day and year first above written.

Signed, Sealed and Delivered }
IN THE PRESENCE OF

William Egan
John C. O'Gally

Robert M. Bennett
Maud Bennett



Received the day of the date of the above Indenture of the above-named

State of Pennsylvania }
County of Berks } ss

On the First day of July Anno Domini 19 66 , before me,
a Justice of the Peace. in and for said County and State. of Penna.
personally appeared the above-named

ROBERT M. BERNET and MAUDE S. BERNET, his wife

and in due form of law acknowledged the above Indenture to be
act and deed, and desire the same might be recorded as such.

Witness my hand and seal the day and year aforesaid.

Charles E. Hilgendorf
Justice of the Peace
My Commission Expires Jan. 1st 1968

I hereby certify that the precise residence of the grantee herein named is

X R D #2 Douglassville, Berks County, Penna.

1490 7419 97
M T W T F S S
D E F M A M J J A S O N D

ROBERT M. BERNET and
MAUDE S. BERNET, his wife

to

CHARLES H. and BETTY M.
BERNET

North of Monocacy Creek
and South west of
L.R. 06179 in Amity
Township

OWEN COMPANY E-66
6-23-66

JUN 5 8 22 A 1966
RECORDED OF DEEDS
BERKS COUNTY, PA.

159

Recorded in the office for Recording of Deeds in and for Berks Co.

in Deed Book

No. 1490

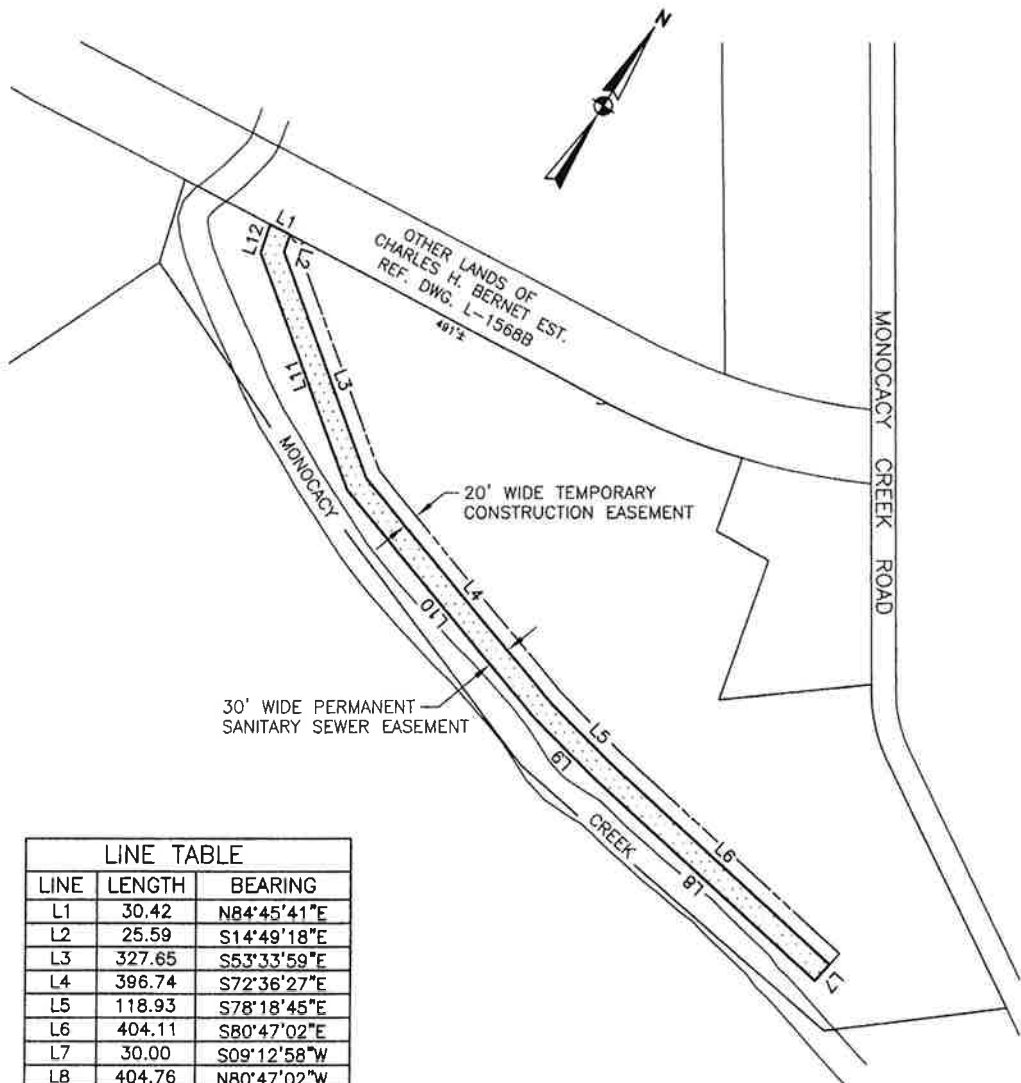
Page 97 Etc.

Witness my hand and seal of Office this 5

day of July Anno Domini 19 66

Edgar Hilgendorf
Recorder

EXHIBIT B

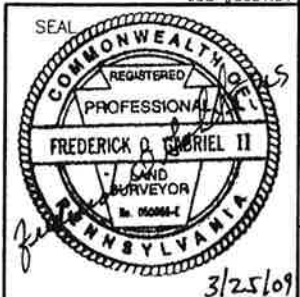



LINE TABLE		
LINE	LENGTH	BEARING
L1	30.42	N84°45'41"E
L2	25.59	S14°49'18"E
L3	327.65	S53°33'59"E
L4	396.74	S72°36'27"E
L5	118.93	S78°18'45"E
L6	404.11	S80°47'02"E
L7	30.00	S09°12'58"W
L8	404.76	N80°47'02"W
L9	121.07	N78°18'45"W
L10	403.26	N72°36'27"W
L11	343.23	N53°33'59"W
L12	41.20	N14°49'18"W

AREA OF EASEMENT

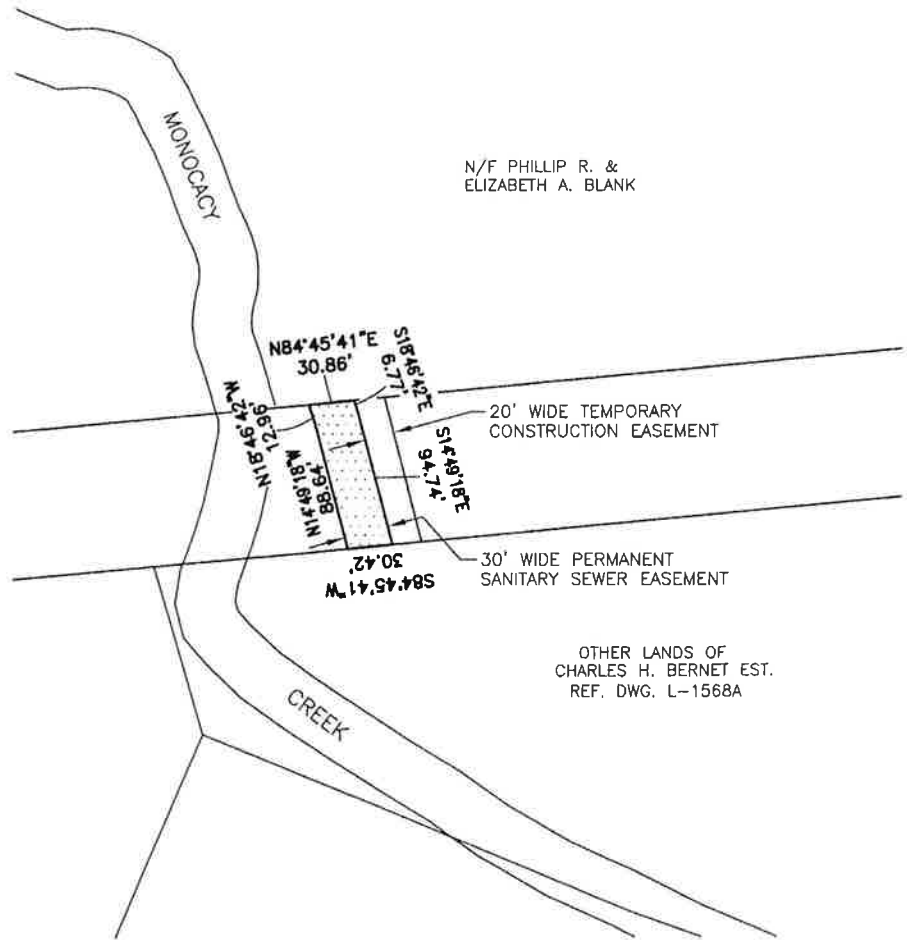
38,798 sq. ft.
0.891 acres

DEED REF. 1490-0097



AMITY TOWNSHIP		
SANITARY SEWER EASEMENT TO BE ACQUIRED FROM CHARLES H. BERNET EST. AMITY TWP., BERKS CO., PA.		
		
270 GRANITE RUN DRIVE LANCASTER, PA 17601 Tel 717.569.7021		
SCALE: 1" = 200'	DATE 2 FEB. 07	DWG. NO. L-1568A

Dwg. Name: 59510599.DWG Last Revised: 03/25/09 12:42



N/F PHILLIP R. &
ELIZABETH A. BLANK

20' WIDE TEMPORARY
CONSTRUCTION EASEMENT

30' WIDE PERMANENT
SANITARY SEWER EASEMENT

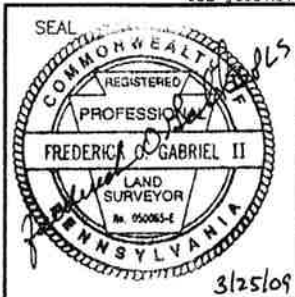
OTHER LANDS OF
CHARLES H. BERNET EST.
REF. DWG. L-1568A

AREA OF EASEMENT

3,047 sq. ft.
0.070 acres

DEED REF. 1513-0094

JOB #5951.51



AMITY TOWNSHIP

SANITARY SEWER EASEMENT
TO BE ACQUIRED FROM
CHARLES H. BERNET EST.

AMITY TWP., BERKS CO., PA.



270 GRANITE RUN DRIVE
LANCASTER, PA 17601
Tel 717.569.7021

SCALE:
1" = 100'

DATE
2 FEB. 07

DWG. NO.
L-1568B

Dwg. Name: 59510699.DWG Last Revised: 03/25/09 11:42