

RESOLUTION NO. 09-10

A RESOLUTION OF THE TOWNSHIP OF AMITY, BERKS COUNTY, PENNSYLVANIA, FOR THE CONDEMNATION OF A PORTION OF LAND OWNED BY ROBERT S. AND MELISSA L. MILLARD OWNER OF LAND ON VALLEY ROAD, SITUATE IN THE TOWNSHIP OF AMITY, BERKS COUNTY, PENNSYLVANIA, AS MORE FULLY DESCRIBED IN RECORD BOOK VOLUME 3314, PAGE 2191, 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.

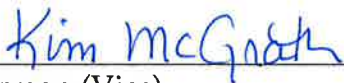
WHEREAS, in order to provide for required sanitary sewage facilities, situate in the Township of Amity, Berks County, Pennsylvania (the "Township"), the Township requires a portion of the land and improvements owned by Melissa L. and Robert S. Millard, located on Valley Road (the "Property"), situate in the Township of Amity, Berks County, Pennsylvania, more fully described in Record Book Volume 3314, page 2191, attached hereto 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 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, as depicted on 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



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.



Secretary

EXHIBIT A

DEED

This Indenture, Made the

26TH day of MARCH, in the year of our Lord two thousand one (2001).

Between EDWARD A. GRAHAM and ALICE W. GRAHAM, his wife, hereinafter called "GRANTOR(S)", party of the first part;

- AND -

ROBERT S. MILLARD and MELISSA L. MILLARD, his wife, hereinafter called "GRANTEE(S)", party of the second part:

Witnesseth, That the said parties/party of the first part, for and in consideration of the sum of ONE DOLLAR (\$1.00) and other good and valuable consideration, lawful money of the United States of America, well and truly paid by the said parties/party of the second part to the said parties/party of the first part, at and before the ensembling and delivery of these presents, the receipt whereof is hereby acknowledged, have/has granted, bargained, sold, aliened, enfeoffed, released, conveyed and confirmed, and by these presents do/does grant, bargain, sell, alien, enfeoff, release, convey and confirm unto the said parties/party of the second part, their/his heirs and assigns forever.

LEGAL DESCRIPTION - SEE SCHEDULE "A" attached hereto.

THE ACTUAL CONSIDERATION for this conveyance is ONE HUNDRED SEVENTY-FIVE THOUSAND and 00/100 DOLLARS (\$175,000.00).

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/party of the first part, of, in, and to the said premises, with the appurtenances:

SCHEDULE "A" - LEGAL DESCRIPTION

ALL THAT CERTAIN tract or parcel of land being known as Lot #2 of the Graham's Lots Subdivision, situate on Valley Road and Monocacy Hill Road, Amity Township, Berks County, Pennsylvania, as shown on a Final Plan of Record of Graham's Lots Subdivision, prepared for Edward W. and Alice L. Graham by All County and Associates, Inc., Oley, Berks County, Pennsylvania, dated January 25, 2001, as last revised, being more fully bounded and described as follows:

BEGINNING at a point on the northerly right-of-way of Monocacy Hill Road (width varies) (T-443), at or near the centerline of Monocacy Creek in line of lands of now or late the Powell-Taylor Annexation, said point being located the two courses and distances from a p.k. nail at the centerline intersection of Valley Road (width varies) (T-458) and of Monocacy Hill Road;

- 1.) Along the centerline of Monocacy Hill Road, South 84 degrees 58 minutes 21 seconds West, a distance of 497.91 feet to a drill hole in a concrete bridge;
- 2.) Leaving said road, North 12 degrees 26 minutes 00 seconds East, a distance of 31.45 feet to the place of beginning;

THENCE from said point of beginning leaving said right-of-way extending along said lands of Powell-Taylor Annexation and along the centerline of said creek the three courses and distances as follows:

- 1.) North 12 degrees 26 minutes 00 seconds East, a distance of 843.54 feet to a point;
- 2.) North 03 degrees 06 minutes 00 seconds East, a distance of 282.03 feet to a point;
- 3.) North 39 degrees 24 minutes 00 seconds East, a distance of 149.24 feet to a point on the westerly right-of-way of Valley Road; thence leaving said creek extending along said right-of-way the five courses and distances as follows:

- 1.) South 21 degrees 13 minutes 00 seconds East, a distance of 172.59 feet to a point;
- 2.) South 00 degrees 51 minutes 20 seconds East, a distance of 101.32 feet to a point;
- 3.) South 10 degrees 20 minutes 30 seconds East, a distance of 234.14 feet to a point;
- 4.) South 04 degrees 54 minutes 56 seconds East, a distance of 670.56 feet to a point of curvature;
- 5.) Along a curve to the right having a radius of 20.00 feet, an arc length of 31.38 feet and a chord bearing of South 40 degrees 01 minutes 43 seconds West, with a chord length of 28.26 feet to a point of tangency at the intersection of the same with the aforementioned northerly right-of-way of Monocacy Hill Road; thence along the same South 84 degrees 58 minutes 21 seconds West, a distance of 438.57 feet to the first mentioned point and place of beginning.

CONTAINING 321,351 square feet, or 7.38 acres of land, more or less.

BEING A PART OF THE SAME PREMISES which the National Bank of Boyertown, Robert L. Thompson and George W. Thompson, Jr., Executors of the Estate of George W. Thompson, by their deed dated July 26, 1978, and recorded July 26, 1978, in Deed Book Volume 1741, Page 111 Berks County Records, granted and conveyed unto Edward W. Graham and Alice L. Graham, his wife, in fee simple.

ALSO BEING A PORTION of the same property which Edward W. Graham and Alice L. Graham, his wife, granted and conveyed unto Edward W. Graham by deed dated November 9, 1961, and recorded in the office for the Recorder of Deeds, in and for the County of Berks, at Reading, Pennsylvania, in Deed Book Volume 1398, Page 177.

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

28 Valley Road, Birdsboro, PA 19508

DEED

EDWARD A. GRAHAM and ALICE W. GRAHAM, his wife

- AND -

ROBERT S. MILLARD and MELISSA L. MILLARD, his wife

Premises situate in the Township of Amity, Berks County, Pennsylvania

**Charles E. Fryer, Esquire
46 South Chestnut Street
Boyertown, PA 19512**

*Bob
Bard
(Fryer, Esq.)*



RECORDED IN BERKS CO., PA

Ellie Antoline
RECORDER OF DEEDS

POOR ORIGINAL

\$1750.00 \$1750.00

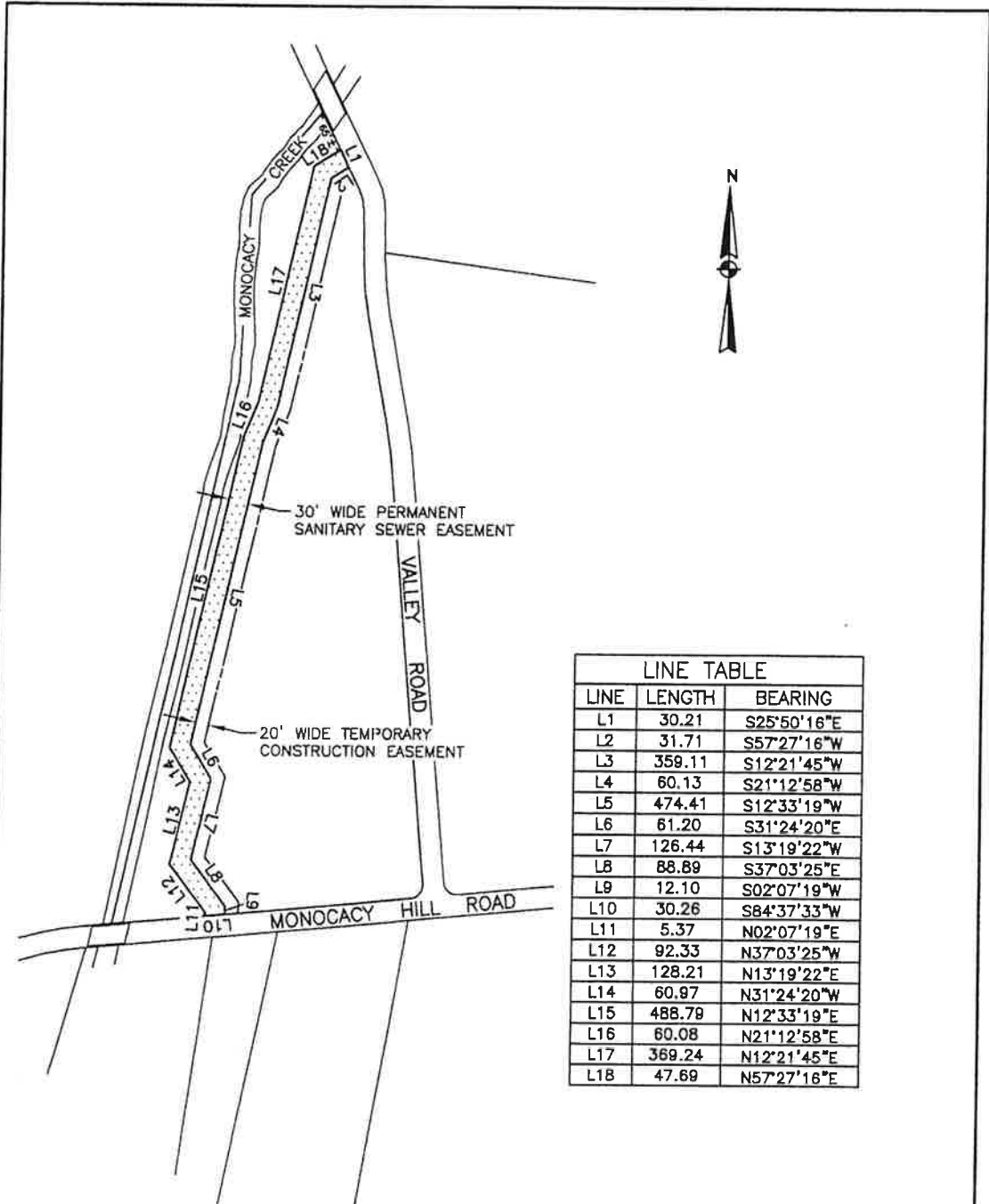
*3314 17025
2191*

REG	04-03-2001	1473
HEIRSH	0002	57253
	1	
FEE		91.00
WRIT		12.50
RECORDS RIGHT		13.00
AFFIDAVIT HOLDING		21.50
PA TRANSFER TAX		1750.00
AMITY TP		4426.00
22 JAN BOONE SD		2751.00
CHECK "		4576
ST		3527.00
CHK		1320.00
ST CHK #		4576
RECORDED OF DEEDS		4576
BERKS COUNTY	OK	550.00
READING, PA. 19601 CHG		25.00
ELLIE ANTOLINE		
CHK		4027.00
NEW MARKET BOOK VALUE		2.57253

*\$1750.00
\$1150.00
\$600.00*

VL3314PG2194

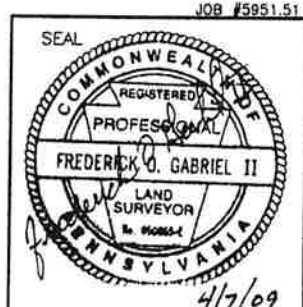
EXHIBIT B




LINE TABLE		
LINE	LENGTH	BEARING
L1	30.21	S25°50'16"E
L2	31.71	S57°27'16"W
L3	359.11	S12°21'45"W
L4	60.13	S21°12'58"W
L5	474.41	S12°33'19"W
L6	61.20	S31°24'20"E
L7	126.44	S13°19'22"W
L8	88.89	S37°03'25"E
L9	12.10	S02°07'19"W
L10	30.26	S84°37'33"W
L11	5.37	N02°07'19"E
L12	92.33	N37°03'25"W
L13	128.21	N13°19'22"E
L14	60.97	N31°24'20"W
L15	488.79	N12°33'19"E
L16	60.08	N21°12'58"E
L17	369.24	N12°21'45"E
L18	47.69	N57°27'16"E

AREA OF EASEMENT
 37,000 sq. ft.
 0.849 acres

DEED REF. 3314-2191



AMITY TOWNSHIP		
SANITARY SEWER EASEMENT TO BE ACQUIRED FROM ROBERT S. & MELISSA L. MILLARD AMITY TWP., BERKS CO., PA.		
 <small>ARRO Consulting, Inc.</small>		
SCALE: 1" = 200'	DATE 2 FEB. 07	DWG. NO. L-1566

Dwg. Name: 59510699.DWG Last Revised: 04/07/09 09:02