

RESOLUTION NO. 09-11

A RESOLUTION OF THE TOWNSHIP OF AMITY, BERKS COUNTY, PENNSYLVANIA, FOR THE CONDEMNATION OF A PORTION OF LAND OWNED BY MARTHA F. BOISSON OWNER OF LAND ON LIMEKILN ROAD, SITUATE IN THE TOWNSHIP OF AMITY, BERKS COUNTY, PENNSYLVANIA, AS MORE FULLY DESCRIBED IN RECORD BOOK VOLUME 0889, PAGE 0389, 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 Martha F. Boisson, located on Limekiln Road (the "Property"), situate in the Township of Amity, Berks County, Pennsylvania, more fully described in Record Book Volume 0889, page 0389, 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 on 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

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

RECEIVED the day of the date of the above written INDENTURE of and from the above named Samuel Mattarnes the sum of Three hundred and twenty six dollars in Gold or Silver Money, it being the consideration money above mentioned in full.

Witness present at signing.

Michael Lacey

Jacob Ebling

A. P. Heibshman

LEDANON COUNTY, ss.

BE IT REMEMBERED, that on the thirty first day of March Anno Domini, 1842 before me, A. P. Heibshman, Esquire, one of the Justices of the peace of the said county, personally came the above named Jacob Ebling and Anna Ebling and acknowledged the above Indenture to be their act and deed, and desired the same might be recorded as such, according to law: the said Anna Ebling being of full age, by me in due form of law, examined separate and apart from her said husband, and the full contents of the above Deed being first by me made known to her declared that she did voluntarily, and of her own free will and accord, seal, and as her act and deed, deliver the said Deed without any coercion or compulsion of her said husband. IN TESTIMONY WHEREOF, I have hereunto set my hand and seal, the day and year above written.

A. P. Heibshman (L.S.)

RECORDED: July 6, 1943.

Russell Anderson
RECORDER.
Robert J. ...
Deputy

DEED

ESTHER S. DeTURK, et al.
TO
MAXINE J. BOISSON, et al.

THIS INDENTURE, Made the 30th day of June
in the year of our Lord one thousand nine hundred and
forty three, (1943).

BETWEEN ESTHER S. DeTURK, widow, and DOROTHY E. DeTURK, daughter, being heirs at law of Edwin P. DeTurk, deceased, late of Amity Township, Berks County, Pennsylvania, parties of the first part, AND MAXINE J. BOISSON and MARIE C. BOISSON, his wife, of 5000 Cedar Avenue, Philadelphia, Philadelphia County, Pennsylvania, parties of the second part:

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of Three thousand (\$3,000.00) Dollars lawful money of the United States of America, well and truly paid by the said parties of the second part to the said parties of the first part, at and before the en sealing and delivery of these presents, the receipt whereof is hereby acknowledged, have granted, bar rained, sold, aliened, enfeoffed, released, conveyed and confirmed, and by these presents do grant, bar rrain, sell, alien, enfeoff, release, convey and confirm unto the said parties of the second part, their heirs and assigns,

Tract No. 1. ALL THAT CERTAIN measure tenement and tract of land situate in said Township of Amity, County of Berks, State of Pennsylvania, bounded and described as follows:

BEGINNING at post in a public road, leading to Oley and running thence by land of Abraham Rothamel and partly by land formerly of Samuel Marquette, now of Samuel K. Bernet, South seventeen and three quarter degrees West ninety-one and six tenths perches to a post, thence by land formerly of Frederick DeTurck now of Jacob DeTurck as follows: North sixty-four and one quarter degrees West twenty-six perches to a stone, North fifteen degrees West ten perches to a stone, North fifty degrees West six perches to a stone, North seventy-four and three quarter degrees West twelve perches to a stone, South eighty-five and one quarter degrees West twenty-three perches to a stone, South seventy-eight and one half degrees West fifteen and four tenths perches to a stone, North fifty-five degrees West five perches to a stone, North two degrees East twelve perches to a stone, South eighty-seven and one quarter degrees West thirty-eight and four tenths perches to a creek, on the West side of the Monocacy Creek; thence by the same and partly by land of Reuben R. Griesemer North seventeen and three quarter degrees East one hundred seventy-one and five tenths perches to a post; thence by land formerly of John Lorah, South seventy-five and one quarter degrees East twenty-four and nine tenths perches crossing a creek and ditch to a side of the tree South forty-nine and one quarter degrees West twenty-one perches to a post, South thirteen and one quarter degrees West fourteen and three tenths perches to a Hickory tree South seventy-two and one half degrees East seventy-one and four tenths perches to a stone; thence by land of Amnon Rhoads South twenty four and three quarter degrees West forty-two and six tenths perches to a post South sixty and one half degrees East forty-two and two tenths perches to the place of beginning.

Containing ninety-seven acres strict measure.

BEING the same premises described as purpart No. 1 which Frank H. Schmeck, Sheriff by his deed dated December 17, 1898, recorded in Deed book No. 13, page 134, Berks County records granted and conveyed unto Edwin P. DeTurck.

Tract No. 1. ALL THAT CERTAIN tract of land situate in Amity Township, said Berks County bounded and described as follows, to wit:

By lands of Daniel Rhoads, Samuel Griesemer and others.

Containing twenty-six acres eighty perches more or less.

BEING the same premises which Morris L. DeTurk and Lydia A. J. DeTurk, his wife, by his deed dated April 1, 1898, recorded in deed book 123, page 25, Berks County records granted and conveyed unto Edwin P. DeTurk.

Tract No. 2. ALL THAT CERTAIN tract or piece of land situate in Amity Township, in said County of Berks, State of Pennsylvania bounded On the North by land of said Edwin P. DeTurk on the South by property of George F. Hoffman On the East by property of Horatio Vocum and George Vocum and On the West by land of Joseph W. Kinkaid. Containing twenty-six acres and one hundred twenty-three perches more or less.

BEING the same premises which Franklin I. Lovengood, widower by his deed dated April 14, 1906, recorded in deed book 335, page 423, Berks County records, granted and conveyed unto Edwin P. DeTurk.

AND the said Edwin P. DeTurk being so thereof seized of the above three described tracts, died June 28, 1941 and letters of administration under the estate were granted on July 19 to Esther S. DeTurk, his widow, as recorded in administration book 75 page 361 Berks County records.

AND the said Edwin P. DeTurk left surviving him as his sole heirs at law his widow Esther S. DeTurk and his daughter Dorothy E. DeTurk, parties hereto.

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 parties 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, their heirs, executors and administrators, DO by these presents, covenant, grant and agree to and with the said parties of the second part, their heirs and assigns forever, that they 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

them the said parties of the first part, 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 her, them or any of them, SHALL AND WILL WARRANT and forever DEFEND.

IN WITNESS WHEREOF, the said parties of the first part to these presents do hereunto set their hands and seals Dated the day and year first above written.

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF

Edgar M. <u>Rehard</u>	Federal Revenue 33.30	Esther S. DeTurk	(SEAL)
Mary A. Hammond		Dorothy E. DeTurk	(SEAL)

STATE OF PENNSYLVANIA |
COUNTY OF MONTGOMERY | ss.

ON THE 30th day of June, 1943, before me, the subscriber, a Notary Public in and for the Commonwealth of Penna., the undersigned officer, personally appeared Esther S. DeTurk and Dorothy E. DeTurk known to me (or satisfactorily proven) to be the persons whose names are subscribed to the within instrument, and acknowledged that they executed the same for the purposes therein contained, and desired the same might be recorded as such.

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

My commission expires
Jan. 29, 1947.

Mary A. Hammond (N.P. SEAL)
NOTARY PUBLIC Title of Officer

The address of the within-named Grantee is 5000 Cedar Avenue Philadelphia, Pa.

Edgar M. Rehard
On behalf of the Grantee

RECORDED: JULY 9, 1943.

Russell Anderson
RECORDER.
Robert J. Maurer
Deputy

DEED

EMMA Z. WHITE, et al.

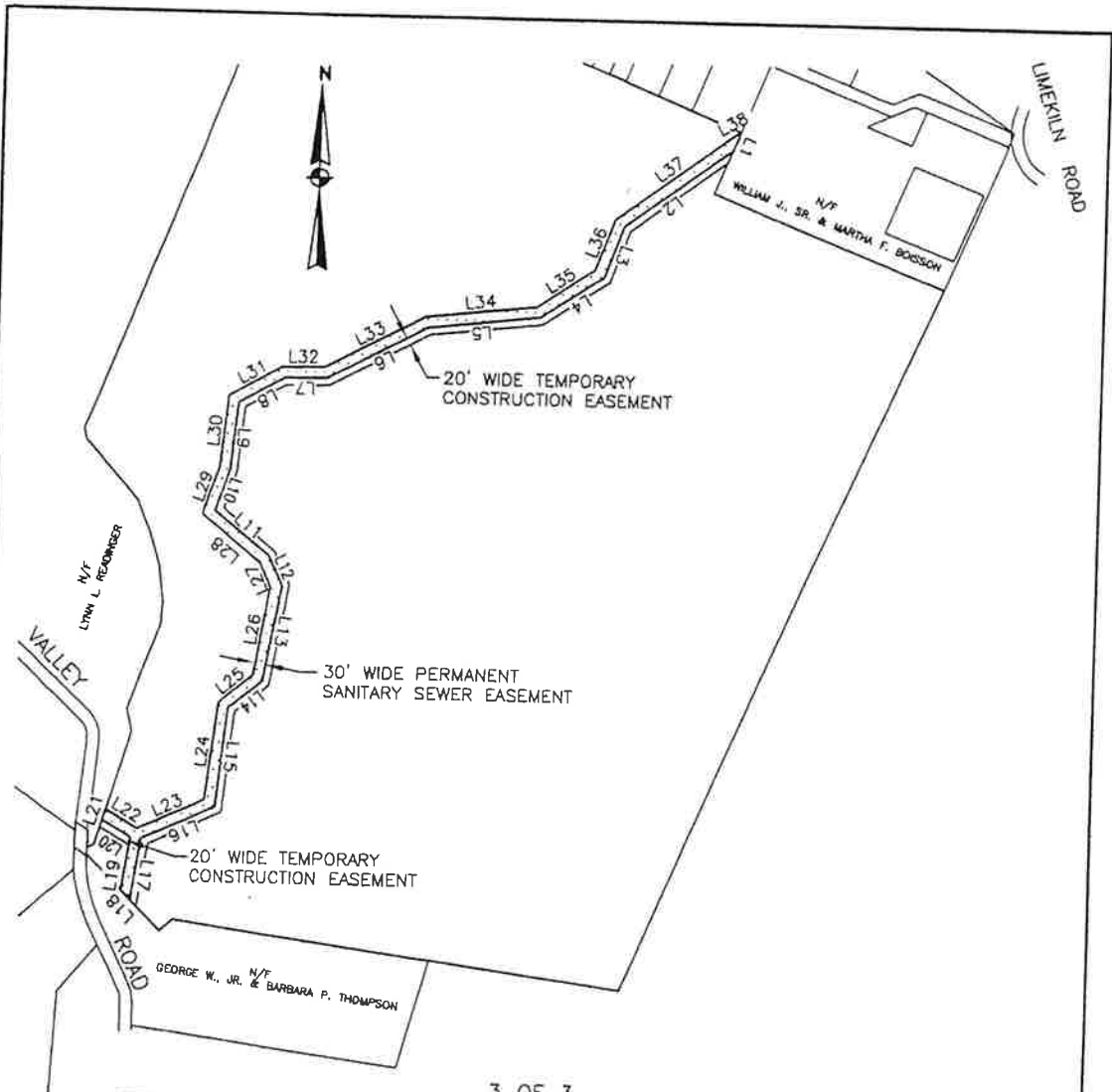
TO

MILFRED M. RAHN, et ux.

THIS INDENTURE, MADE THE Ninth Day of July
in the year of our Lord one thousand nine hundred and
forty-three (1943).

BETWEEN EMMA Z. WHITE, a widow, GRACE MALONEY, a
Widow, CATHARINE A. WANNER, a Singlewoman, ALBERT H. EMMERT and MARY B. EMMERT, his
wife, all of the City of Reading, County of Berks, and State of Pennsylvania, and
MINNIE E. HOSHAWER and LLEWELLYN HOSHAWER, her husband, of the Borough of
Shillington, County of Berks and State of Pennsylvania, GRANTORS AND PARTIES
of the first part, A N D MILFRED M. RAHN and ELLA RAHN, his wife, of the

EXHIBIT B



3 OF 3

LINE	LENGTH	BEARING
L1	54.88	S22°04'30"W
L2	368.04	S53°24'55"W
L3	152.67	S20°09'27"W
L4	204.81	S58°33'34"W
L5	301.18	S83°34'30"W
L6	304.69	S61°56'39"W
L7	117.53	S88°49'56"W
L8	143.44	S60°38'46"W
L9	186.24	S05°46'51"W
L10	120.89	S18°26'23"W
L11	195.89	S51°26'08"E
L12	89.46	S25°28'03"E
L13	288.70	S09°48'40"W

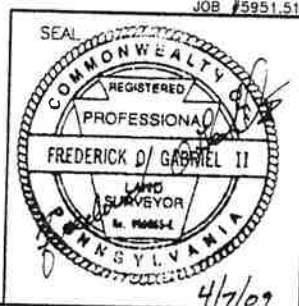
LINE	LENGTH	BEARING
L14	120.65	S50°55'46"W
L15	273.16	S06°23'24"W
L16	218.92	S85°21'35"W
L17	170.49	S08°56'19"W
L18	37.31	N44°35'28"W
L19	146.18	N08°56'19"E
L20	89.42	N59°22'06"E
L21	30.92	N16°39'11"E
L22	99.21	S59°22'06"E
L23	202.15	N65°21'35"E
L24	268.48	N05°21'24"E
L25	121.69	N50°55'46"E
L26	247.91	N09°48'40"E

LINE	LENGTH	BEARING
L27	73.00	N25°28'03"W
L28	209.73	N51°26'08"W
L29	138.52	N18°26'23"E
L30	198.45	N05°46'51"E
L31	166.55	N60°38'46"E
L32	117.89	N88°49'56"E
L33	303.25	N61°56'39"E
L34	299.71	N83°34'30"E
L35	187.74	N56°33'34"E
L36	151.76	N20°09'27"E
L37	408.77	N53°24'55"E
L38	15.02	N59°22'08"E

AREA OF EASEMENT 3

100,645 sq. ft.
2.310 acres

DEED REF. 889-390



AMITY TOWNSHIP
 SANITARY SEWER EASEMENT
 TO BE ACQUIRED FROM
 MAXIME J. & MARIE C. BOISSON EST.
 AMITY TWP., BERKS CO., PA.



270 GRANITE RUN DRIVE
 LANCASTER, PA 17601
 Tel 717.569.7021

SCALE: 1" = 400'	DATE 2 FEB. 07	DWG. NO. L-1578B 2 OF 2
---------------------	-------------------	-------------------------------

Dwg. Name: 59510899.DWG Last Revised: 04/07/09 09:30