

RESOLUTION NO. 09-13

A RESOLUTION OF THE TOWNSHIP OF AMITY, BERKS COUNTY, PENNSYLVANIA, FOR THE CONDEMNATION OF A PORTION OF LAND OWNED BY L. STANLEY MAUGER OWNER OF LAND ON EAST BEN FRANKLIN HIGHWAY, SITUATE IN THE TOWNSHIP OF AMITY, BERKS COUNTY, PENNSYLVANIA, AS MORE FULLY DESCRIBED IN RECORD BOOK VOLUME 2182, PAGE 1630, 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 L. Stanley Mauger, located on East Ben Franklin Highway (the "Property"), situate in the Township of Amity, Berks County, Pennsylvania, more fully described in Record Book Volume 2182, page 1630, 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

This Indenture, Made the

12th day of December in the year of our

Lord one thousand nine hundred ninety

Between L. STANLEY MAUGER, Executor under the Will of Helen E. Mauger, Deceased, Grantor, and

L. STANLEY MAUGER, Grantee

Whereas, Helen E. Mauger died November 21, 1974, seized and possessed of the hereinafter described premises, and leaving her Last Will and Testament dated March 31, 1955, registered in Montgomery County, Pennsylvania, wherein and whereby she appointed L. Stanley Mauger, Executor of her estate; and

WHEREAS, Letters Testamentary were granted to said L. Stanley Mauger by the Register of Wills of Montgomery County; and

WHEREAS, by said Will the said Helen E. Mauger devised and bequeathed her entire estate to the said L. Stanley Mauger

AFFIDAVIT SUBMITTED

BOOK 2182 P 1630

Now this Indenture witnesseth, That the said Grantor

the sum of One Dollar (\$1.00)

for and in consideration of

lawful money of the United States, to him well and truly paid by the said Grantee

at and before the sealing and delivery hereof, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, released, and confirmed and by these presents, does grant, bargain, sell, alien, release and confirm unto the said Grantee, his heirs and assigns,

ALL THAT CERTAIN tract or piece of land situate on the Southwest side of the concrete Pennsylvania State Highway traffic route #422, known as the Philadelphia Pike, situate in the Township of Amlly, County of Berks, and State of Pennsylvania, being more fully bounded and described as follows, in accordance with a survey made by George F. Shaner, C. E., on April 23, 1957.

BEGINNING at a spike in the center line intersection of said State Highway Traffic Route #422 (80 feet wide) and a public road (33 feet wide) leading from State Highway Traffic Route #422 to Monocacy Station; thence continuing along the center line of said public road leading to Monocacy Station South 21 Degrees 58 Minutes West 742.55 feet to a spike; thence leaving said public road and extending along the Northerly side of a private lane North 73 Degrees 31 Minutes 20 Seconds West 47.63 feet to an iron pin; thence continuing along the same North 35 Degrees 12 Minutes 30 Seconds West 98.83 feet to an iron pin; thence continuing along the Westerly side of said private lane South 60 Degrees 2 Minutes 16 Seconds West 656.51 feet to a stone; thence along property now or late of North 80 Degrees 41 Minutes West (passing over a stone 193.58 feet from the last described corner) 230.96 Feet to a point in the center of the Monocacy Creek; thence continuing in said creek the 5 following courses and distances: (1) North 2 Degrees 43 Minutes 15 Seconds East 90.98 Feet, (2) North 15 Degrees 47 Minutes 7 Seconds West 491.23 Feet, (3) North 25 Degrees 47 Minutes 39 Seconds West 240.80 Feet, (4) North 13 Degrees 30 Minutes 40 Seconds West 222.63 Feet, (5) North 9 Degrees 39 Minutes 36 Seconds West 360.35 Feet to a point in the center line of said creek and property now or late of Albert Istenes; thence continuing along property now or late of the said Albert Istenes (passing through a sycamore tree near the Easterly bank of Monocacy Creek) South 88 Degrees 59 Minutes 45 Seconds East 294 Feet to a sycamore tree; thence along property now or late of Robert H. Docker the 3 following courses and distances: (1) South 7 Degrees 35 Minutes East 154.21 Feet to a sycamore tree, (2) North 70 Degrees 15 Minutes East 216.70 Feet to an ash tree, (3) North 57 Degrees 20 Minutes 45 Seconds East (passing over an iron pin on the Southwesterly Right of Way line of State Highway Traffic Route #422) 220.86 Feet to a drill hole in the concrete divider strip in the center line of the State Highway; thence extending in a Southeasterly direction along the center line of said State Highway along the arc of a curve deflecting to the left having a radius of 2864.93 Feet, said arc having a chord bearing of South 56 Degrees 27 Minutes East a distance along the chord of 218.08 Feet to a drill hole in said center line of said highway; thence continuing along the center line of said Highway South 59 Degrees 8 Minutes East 742.75 Feet to a spike, the place of BEGINNING.

CONTAINING 31 Acres 75 Perches of land.

BEING THE SAME PREMISES which Valley Forge Military Academy Foundation granted and conveyed unto Helen E. Mauger, widow, by deed dated May 23, 1957, recorded in Berks County in Deed Book 1265, page 84.

BOOK 2162 P1631.

Together with all and singular the ways, waters, water-courses, rights, liberties, privileges, hereditaments and appurtenances whatsoever thereunto belonging, or in any wise appertaining, and the reversions and remainders, rents, issues and profits thereof; and also, all the estate, right, title, interest use, trust, property, possession, claim and demand whatsoever, of the Grantor

in law, equity, or otherwise howsoever, of, in, to, or out of the same;

To have and to hold the said hereditaments and premises hereby granted and released, or mentioned and intended so to be, with the appurtenances, unto the said Grantee, his heirs and assigns, to and for the only proper use and behoof of the said Grantee, his heirs and assigns forever.

And the said Grantor, as Executor aforesaid, does covenant, promise and agree, to and with the said that he the said Grantor Grantee, his heirs and assigns,

has not done, committed, or knowingly or willingly suffered to be done or committed, any act, matter or thing whatsoever, whereby the premises hereby granted, or any part thereof, is, are, shall, or may be impeached, charged or incumbered, in title, charge, estate, or otherwise howsoever.

In witness whereof the said Grantor, Executor aforesaid, has hereunto set his hand and seal, the day and year first above written.

Charles M. Mace

L. Stanley Mauger
L. Stanley Mauger, Executor, Estate
of Helen E. Mauger



Commonwealth of Pennsylvania
County of Montgomery

On this, the 12th day of December, 1990, before me, a Notary Public for the Commonwealth of Pennsylvania, residing in the

the undersigned Officer,

personally appeared L. Stanley Mauger, Executor of the Estate of Helen E. Mauger,

known to me (satisfactorily proven) to be the person whose name is (KIM) subscribed to the within instrument, and acknowledged that he executed the same for the purposes therein contained as Executor aforesaid.

In Witness Whereof, I hereunto set my hand and official seal.

NOTARIAL SEAL
KIM L. MONTGOMERY, Notary Public
Pottstown Boro, Montgomery Co.
My Commission Expires Aug. 9, 1993

Kim L. Montgomery
Notary Public

DEED

L. STANLEY MAUGER, Executor
under the Will of Helen E.
Mauger, Deceased, Grantor

TO

L. STANLEY MAUGER, Grantee

656-5 John C. Clark Co., Phila. 1988

46818
12-12-90 14:43MARCIA 33735
FEE \$13.00
WRIT 40.50
ST 19 \$13.50
CHK 22 \$20.00
CS \$6.50
PAY TO THE ORDER OF
REORDER OF DEEDS
LINDA H. FREY
READING PARKER'S CO
CHK \$20.00
12-12-90 14:43MARCIA 33735

RECORDED IN BERKS CO. PA.
IN 2182 PAGE 1633

Linda H. Frey



Recorder of Deeds

The address of the above-named Grantee

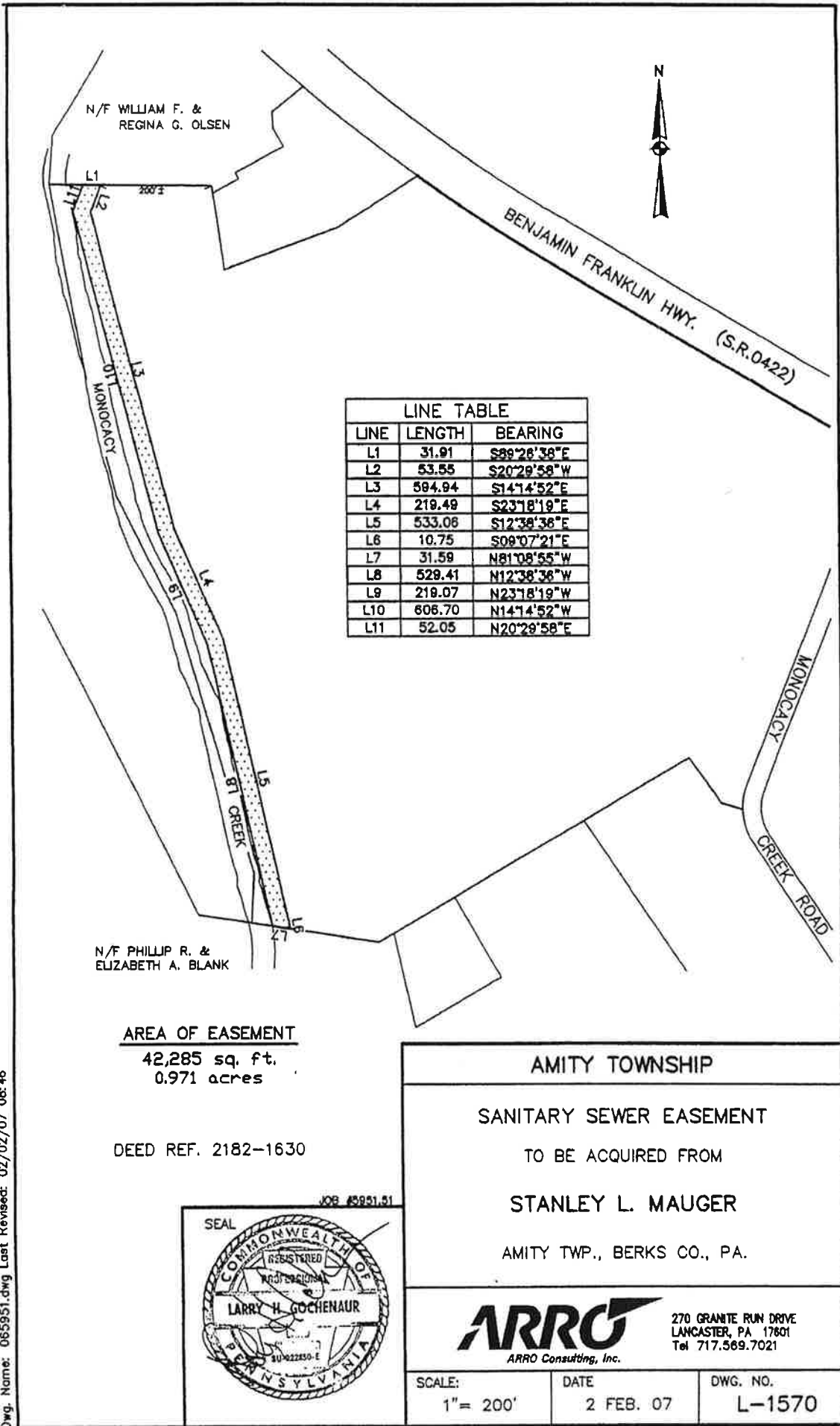
is 1529 KAUFFMAN Rd
POTTSTOWN, PA 19464
On behalf of the Grantee

1350

46818
2182 1630

BOOK 2182 P 1633

EXHIBIT B



LINE TABLE		
LINE	LENGTH	BEARING
L1	31.91	S89°28'38"E
L2	53.55	S20°29'58"W
L3	594.94	S14°14'52"E
L4	219.49	S23°18'19"E
L5	533.08	S12°38'36"E
L6	10.75	S08°07'21"E
L7	31.59	N81°08'55"W
L8	529.41	N12°38'36"W
L9	219.07	N23°18'19"W
L10	606.70	N14°14'52"W
L11	52.05	N20°29'58"E

AREA OF EASEMENT
 42,285 sq. ft.
 0.971 acres

DEED REF. 2182-1630



AMITY TOWNSHIP		
SANITARY SEWER EASEMENT TO BE ACQUIRED FROM STANLEY L. MAUGER AMITY TWP., BERKS CO., PA.		
ARRO ARRO Consulting, Inc.		270 GRANITE RUN DRIVE LANCASTER, PA 17601 Tel 717.569.7021
SCALE: 1" = 200'	DATE 2 FEB. 07	DWG. NO. L-1570

Dwg. Name: 065951.dwg Last Revised: 02/02/07 08:46