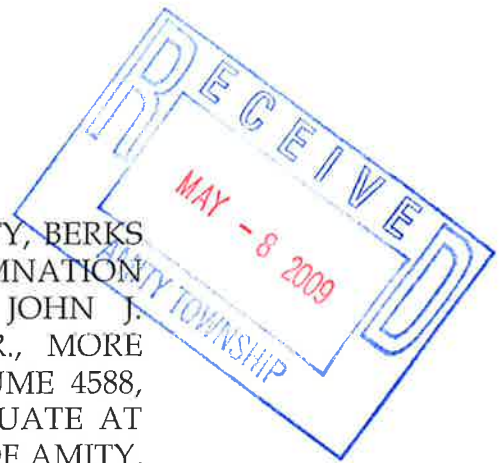


RESOLUTION NO. 09-17



A RESOLUTION OF THE TOWNSHIP OF AMITY, BERKS COUNTY, PENNSYLVANIA, FOR THE CONDEMNATION OF A PORTION OF LAND OWNED BY JOHN J. MCCARTHY AND JOHN J. MCCARTHY, JR., MORE FULLY DESCRIBED IN RECORD BOOK VOLUME 4588, PAGE 1282, THE OWNERS OF PROPERTY SITUATE AT 27-29 TOLL GATE ROAD, IN THE TOWNSHIP OF AMITY, BERKS COUNTY, PENNSYLVANIA, IN ACCORDANCE WITH THE SECOND CLASS TOWNSHIP CODE, 53 P.S. 65101 ET SEQ., AND THE EMINENT DOMAIN CODE, 26 P.S. § 1-101 ET SEQ.

WHEREAS, in order to proceed with the realignment of Toll Gate Road project, the Township of Amity, Berks County, Pennsylvania (the "Township"), requires a portion of the property owned by John J. McCarthy and John J. McCarthy, Jr., located at 27-29 Toll Gate Road, situate in the Township of Amity, Berks County, Pennsylvania, more fully described in Record Book Volume 4588, page 1282 (the "McCarthy Property"), as more fully described on the Deed attached hereto as Exhibit "A" and incorporated herein by reference. The portion the Township requires for the realignment is described in detail on Exhibit "B" hereto ("the Portion").

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Board of Supervisors of the Township of Amity, Berks County, Pennsylvania that the Township will condemn the Portion the McCarthy Property described on Exhibit "B" for the purposes of a realignment of Toll Gate Road project thereto at the McCarthy Property, situate at 27-29 Toll Gate Road, in the Township of Amity, said improvements to be 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 P.S. §1-101, 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 all appropriate condemnation documents and/or Deed in Lieu of Condemnation by the Township's Solicitor and the filing of all such appropriate condemnation documents and/or Deed in Lieu of Condemnation by the Township's Solicitor.

DULY ADOPTED AND APPROVED this 16th day of May, 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 5/6/09 2009.


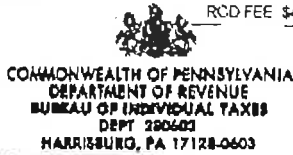
Secretary 

EXHIBIT "A"

Copy of Deed



REALTY TRANSFER TAX STATEMENT OF VALUE

See Reverse for Instructions

RECORDER'S USE ONLY	
State Tax Paid	- 0 -
Book Number	4588
Page Number	1282
Date Recorded	5/25/05

40
42

Complete each section and file in duplicate with Recorder of Deeds when (1) the full value/consideration is not set forth in the deed, (2) when the deed is without consideration, or by gift, or (3) a tax exemption is claimed. A Statement of Value is not required if the transfer is wholly exempt from tax based on: (1) family relationship or (2) public utility easement. If more space is needed, attach additional sheet(s).

A CORRESPONDENT - All inquiries may be directed to the following person:

Name ACBS Settlement Company	Telephone Number Area Code (610) 530-5615
Street Address 5910 Hamilton Blvd	City Allentown
	State PA
	Zip Code 18106

B TRANSFER DATA

Grantor(s)/Lessor(s) John J. McCarthy and John J. McCarthy Jr.	Date of Acceptance of Document March 30, 2005	Grantee(s)/Lessee(s) John J. McCarthy Jr and John J. McCarthy
Street Address 27-29 Tollgate Road	Street Address 27-29 Tollgate Road	
City Douglasville	State PA	Zip Code 19518
	City Douglasville	State PA
		Zip Code 19518

C PROPERTY LOCATION

Street Address 27-29 Tollgate Road	City, Township, Borough Amity Township
County Berks	School District Reading DANIEL BOONE
	Tax Parcel Number 24536411565089

D VALUATION DATA

1. Actual Cash Consideration 1.00	2. Other Consideration + 0.00	3. Total Consideration = 1.00
4. County Assessed Value 150,400.00	5. Common Level Ratio Factor x 1.16	6. Fair Market Value = 174,464.00

E EXEMPTION DATA

1a. Amount of Exemption Claimed 174,464.00	1b. Percentage of Interest Conveyed 100%
--	--

2 Check Appropriate Box Below for Exemption Claimed

- Will or intestate succession _____ (Name of Decedent) _____ (Estate File Number)
- Transfer to Industrial Development Agency.
- Transfer to a trust (Attach complete copy of trust agreement identifying all beneficiaries.)
- Transfer between principal and agent. (Attach complete copy of agency/straw party agreement.)
- Transfers to the Commonwealth, the United States and instrumentalities by gift, dedication, condemnation or in lieu of condemnation. (If condemnation or in lieu of condemnation, attach copy of resolution.)
- Transfer from mortgagor to a holder of a mortgage in default. Mortgage Book Number _____, Page Number _____.
- Corrective or confirmatory deed. (Attach complete copy of the prior deed being corrected or confirmed.)
- Statutory corporate consolidation, merger or division. (Attach copy of articles.)
- Other (Please explain exemption claimed, if other than listed above.) This is a transfer between father and son to son and father and is therefore transfer tax exempt.

AFFIDAVIT SUBMITTED

Under penalties of law, I declare that I have examined this Statement, including accompanying information, and to the best of my knowledge and belief, it is true, correct and complete.

Signature of Correspondent or Responsible Party ACBS Settlement Company, By <i>Sophy Zimmerman</i>	Date March 30, 2005
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BERKS COUNTY REC
ELLIE ANTONIE ROO

This Indenture, made the 30th day of March, 2005,

Between

JOHN J. MCCARTHY, WIDOWER AND JOHN J. MCCARTHY JR.

(hereinafter called the Grantors), of the one part, and

JOHN J. MCCARTHY JR. AND JOHN J. MCCARTHY, WIDOWER, SON AND FATHER

(hereinafter called the Grantees), of the other part,

Witnesseth, that the said Grantors for and in consideration of the sum of **One And 00/100 Dollar (\$1.00)** lawful money of the United States of America, unto them well and truly paid by the said Grantees, at or before the sealing and delivery hereof, the receipt whereof is hereby acknowledged, has granted, bargained and sold, released and confirmed, and by these presents does grant, bargain and sell, release and confirm unto the said Grantees, with right of survivorship and not as tenants in common.

ALL THAT CERTAIN tract or piece of land with the dwellings, gun shop, sheds, outbuildings and other improvements erected thereon, situate mainly on the north side of Toll Gate Road, SR 2057, and being Lot# 1 of the Zartman Subdivision Phase II recorded in Plan Book Volume 194, Page 11 Berks County Records, in Amity Township, Commonwealth of Pennsylvania, being Bounded and described in accordance with survey by Kent Surveyors, designated 04-102-92 as follows, to wit.

BEGINNING at a PK nail in the centerline of Toll Gate Road, a corner of lands of Gilpin P Johns and Shirley M Johns his wife, thence leaving said road and along lands of the same North 18 degrees 43 minutes 17 seconds East, passing through a concrete monument, 74 25 feet to the next described corner, a total distance of 103.89 feet to a monument in line of lands of the Kiwi Polish Company Proprietary Limited; thence along lands of the same South 68 degrees 58 minutes 55 seconds East, 286 47 feet to an iron pipe, thence continuing along lands of The Kiwi Polish Company Proprietary Limited and along lands of Berks County Industrial Development Authority, North 20 degrees 04 minutes 50 seconds East 516 50 feet to an iron pipe in line of lands of William B Witman, Jere W. Witman and Musa J Eways and Jennette M Eways, widow, thence along lands of the same South 70 degrees 58 minutes 58 seconds East 394.77 feet to a monument a corner of lands of Thomas Hughes and Susan Zartman, granddaughter, thence along said lands the two following courses and distance, (1) South 28 degrees 30 minutes 18 seconds West 282.04 feet to an iron pin, (2) South 76 degrees 02 minutes 25 seconds East, 154 28 feet to a monument, a corner of Lot# 2, thence along Lot# 2 South 18 degrees 58 minutes 36 seconds West 192 20 feet to an iron pipe, a corner of lands of Ronald D Raught and Carol Raught, husband and wife, thence along said lands the two following courses and distance, (1) North 71 degrees 01 minutes 24 seconds West 100.00 feet

AFFIDAVIT SUBMITTED

to an iron pipe, (2) South 18 degrees 58 minutes 36 seconds West 209 21 to a spike in Toll Gate Road, thence in and along Toll Gate Road the three following courses and distances (1) North 70 degrees 07 minutes 42 seconds West, along lands of Stanley L. Mauger and lands of Betty J. Mauger, 414.53 feet to an iron pin in the southern edge of Toll Gate Road, (2) thence along lands of Betty J. Mauger, North 20 degrees 04 minutes 50 seconds East 36.25 feet to a spike in Toll Gate Road, (3) North 68 degrees 12 minutes 11 seconds West 278 66 feet to a PK nail, the place of beginning

CONTAINING 7 13 acres

BEING 27-29 Tollgate Road, Douglassville Pa 19518

TAX PARCEL 24-5364-1 1-56-5069

BEING THE SAME PREMISES which Sylvia P. Zartman, Executrix of the Estate of Henry Zartman, deceased, by their Deed dated December 27, 1995 and recorded May 7, 1996 in the Recorder of Deeds Office in and for Berks County, in Book 2727, Page 2378, granted and conveyed unto John J McCarthy and Wanda W McCarthy, his wife, and John J. McCarthy, Jr , The said Wanda W McCarthy died November 15, 1998 therefore title is solely vested in John J McCarthy and John J. McCarthy Jr , in fee

UNDER AND SUBJECT to an adverse conveyance recorded 2/22/05 in Volume 4535, Page 804 conveying 0 687 acres to Arthur A Fecera and Constance A Fecera.

THIS IS A TRANSFER BETWEEN FATHER AND SON TO SON AND FATHER AND IS THEREFORE TRANSFER TAX EXEMPT

Together with all and singular the buildings and improvements, ways, streets, alleys, driveways, passages, waters, water-courses, rights, liberties, privileges, hereditaments and appurtenances, whatsoever unto the hereby granted premises belonging, or in anywise appertaining, and the reversions and remainders, rents, issues, and profits thereof; and all the estate, right, title, interest, property, claim and demand whatsoever of them, the said grantors, as well at law as in equity, of, in and to the same

To have and to hold the said lot or piece of ground described above, with the buildings and improvements thereon erected, hereditaments and premises hereby granted, or mentioned and intended so to be, with the appurtenances, unto the said Grantees, their heirs and assigns, to and for the only proper use and behoof of the said Grantees, their heirs and assigns, forever

And the said Grantors, for themselves and their heirs, executors and administrators, does, by these presents, covenant, grant and agree, to and with the said Grantees, their heirs and assigns, that they, the said Grantors, and their heirs, all and singular the hereditaments and premises herein described and granted, or mentioned and intended so to be, with the appurtenances, unto the said Grantees, their heirs and assigns, against him, the said Grantors, and their heirs, and against all and every other person and persons whosoever lawfully claiming or to claim the same or any part thereof, by, from or under him, her, it, or any of them, shall and will.

Warrant and Foreber Defend.

In Witness Whereof, the party of the first part has hereunto set their hands and seals Dated the day and year first above written.

**Sealed and Delivered
IN THE PRESENCE OF US**

Tiffany Kinsman

John J. McCarthy (SEAL)
JOHN J MCCARTHY

John J. McCarthy Jr. (SEAL)
JOHN J MCCARTHY JR.

Commonwealth of Pennsylvania } ss
County of ~~Berks~~ Lehigh

On this the 30th day of March, 2005, before me, the undersigned Notary Public, personally appeared JOHN J MCCARTHY and JOHN J MCCARTHY JR, known to me (or satisfactorily proven) to be the person whose names are subscribed to the within instrument, and acknowledged that they executed the same for the purposes therein contained

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

Kimbra L. Ellex
Notary Public
My commission expires _____

Notarial Seal
Kimbra L. Ellex, Notary Public
City of Allentown, Lehigh County
My Commission Expires June 20, 2008

The address of the above-named Grantees is
27-29 Tollgate Road
Douglassville Pa 19518

Kimbra L. Ellex
On behalf of the Grantees

File No ACBS-0216JMP

Record and return to:
ACBS Settlement Company
5910 Hamilton Blvd
Allentown, PA 18106



2005028460

Ellie Antoine
Recorder of Deeds

County of Berks
County Service Center
Reading, PA 19601
610-478-3380
Customer Receipt

Receipt Number: 28227
Operator ID: LLLOYD
Station ID: CASHIER5
Submitter Name:
ACBS INC

DEED

RECORD BK04588-PG1282 2005028460
Pages: 5
Recorded: 05/25/2005 03:15:06 PM:1

Recording Fee	\$13.00
Recording Page Fee	\$1.00
No of Pages 5	\$0.00
No of Names 4	\$0.00
Affordable Housing	\$11.50
ROD Improvement Fund	\$5.00
Writ Tax	\$0.50
Judicial	\$10.00

Total:	\$41.00



RECORDED IN BERKS CO. PA

Ellie Antoine

RECORDER OF DEEDS

REC BK04588-PG1288
2005028460 05/25/2005 03 15 08 PM 1
BERKS COUNTY ROD

DEED

PAGE 5 of 5

EXHIBIT "B"

Description of Property



McMAHON ASSOCIATES, INC.
860 Springdale Drive | Suite 200 | Exton, PA 19341
p 610-594-9995 | f 610-594-9565
www.mcmtrans.com

March 27, 2009

**DESCRIPTION OF REQUIRED RIGHT-OF-WAY (FEE SIMPLE)
TO BE ACQUIRED FROM JOHN J. & JOHN J. MCCARTHY, JR.
BY AMITY TOWNSHIP**

PRINCIPALS
Joseph W. McMahon, P.E.
Rodney P. Plourde, Ph.D., P.E.
Joseph J. DeSantis, P.E., PTOE
John S. DePalma
William T. Steffens

ASSOCIATES
Casey A. Moore, P.E.
Gary R. McNaughton, P.E., PTOE
John J. Mitchell, P.E.
Christopher J. Williams, P.E.
John F. Yacapsin, P.E.
Thomas A. Hall

All that certain required piece of land situate in the Township of Amity, County of Berks, Commonwealth of Pennsylvania. Being part of the land described in an indenture dated the 30th day of March, 2005 in Deed Book 4588 Page 1282 and recorded at Reading in the Office for the Recorder of Deeds in and for the County of Berks. Bounded and described in accordance with a plan of property made by McMahon Associates, Inc. Fort Washington, PA, as follows to wit;

TRACT 1

Beginning at the intersection of the westerly line of grantor with the northerly legal right-of-way line of Tollgate Road(S.R. 2057) ,thence the following courses and distances:

- 1.) On the westerly line of grantors North 27 degrees 17 minutes 20 seconds East 26.45 feet to a point
- 2.) Thence across lands of grantors on a curve to the left having a radius of 481.00 feet, an arc length of 30.10 feet, a chord bearing of South 45 degrees 57 minutes 27 seconds East, and a chord distance of 30.10 feet to a point
- 3.) Continuing across lands of the grantors South 30 degrees 29 minutes 47 seconds East 30.75 feet to a point
- 4.) Continuing across lands of the grantors South 38 degrees 49 minutes 15 seconds West 7.47 feet to the point on the northerly legal right-of-way line of Toll Gate Road
- 5.) On the northerly legal right-of-way line of Toll Gate Road on a curve to the left having a radius of 980.00 feet, an arc length of 53.67 feet, a chord bearing of North 56 degrees 22 minutes 09 seconds West 53.67 feet to a point and place of beginning.

Containing 1,030 square feet, or 0.024 acre.

Being a part of parcel number 24-5364-11-56-5069.

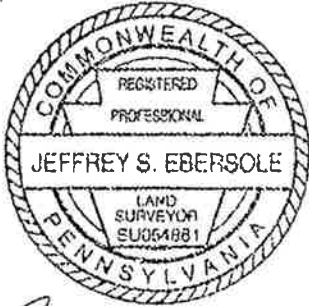
TRACT 2

Beginning at the southwest corner of the grantor, thence the following courses and distances:

- 1.) On the westerly line of grantors North 27 degrees 17 minutes 20 seconds East 4.66 feet to a point on the legal right-of-way line of Toll Gate Road
- 2.) On the southern legal right-of-way line of Toll Gate Road on a curve to the right having a radius of 925.00 feet, an arc length of 40.98 feet, a chord bearing of South 56 degrees 23 minutes 04 seconds East 40.97 feet to a point on the southern line of grantors
- 3.) On the southern line of grantors North 62 degrees 55 minutes 12 seconds West 40.72 feet to a point and place of beginning

Containing 101 square feet, or 0.002 acre.

Being part of parcel number 24-5364-11-56-5069.



Jeffrey S. Ebersole, P.L.S.
Pennsylvania Professional
Land Surveyor No. SU-054861

Date

