RESOLUTION NO. 14-14

A RESOLUTION OF THE TOWNSHIP OF AMITY, BERKS COUNTY, PENNSYLVANIA, FOR THE CONDEMNATION OF A PORTION OF LAND OWNED BY H. LADDIE MONTAGUE, JR. AND LINDA P. MONTAGUE OWNERS OF LAND ON PINE LANE, SITUATE IN THE TOWNSHIP OF AMITY, BERKS COUNTY, PENNSYLVANIA, AS MORE FULLY DESCRIBED IN RECORD BOOK VOLUME 1907, PAGE 0886, 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 H. Laddie Montague and Linda P. Montague, located on Pine Lane, situate in the Township of Amity, Berks County, Pennsylvania, (the "Property"), more fully described in Record Book Volume 1907, page 0886, 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 17th day of September, 2014.

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 this 17th day of September, 2014.

Secretary (Assistant

EXHIBIT "A"

800K1907PAGE0886

This Indenture Made this in the year of our Lord one thousand nine hundred and - eighty-six (1986) Setween - Herbert R. MAACK and ADELINE L. MAACK, husband and wife (hereinafter referred to as the "Grantors"), parties of the first

LINDA P. MONTAGUE, husband and wire "Grantees"), parties of the other part, MONTAGUE, husband and wife Witnesseth, That the said -

for and in consideration of the sum of - Three Hundred Ninety-Nine Thousand Dollars (\$399,000.00) lawful money of the United States of America, unto - them, the said Grantors, well and truly paid by the said→ Grantees

at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, - have conveyed, ese presents ____ do convey,
grant, bargain, sell, alien, enfeoff, release and confirm unto the said. released and confirmed, and by these presents -

Grantees, their Heirs

ALL THAT CERTAIN tract(s) or parcel(s) of land described in more detail on Exhibit "A" which is attached hereto and made a part

hereof.
Realty Transfer Tax paid on \$391,000-60

- 22 Daniel Boone Area Schools \$
- 4 Amity Township
- 11 Birdsboro Borough
- 82 Union Township

as tenants by the entireties.

them, the said Grantors, -	(*)	in law, equity,
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REALITY PRAISE SEP LEVES TAX PRINCES PAGE 1887

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-	HERBERT R. MAACK	WEY
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	ADELINE L. MAACK	(2,2,2)
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Receipt and Single Acknowledgment — S

Copyright 1979 Printed and Sold by John C. Clark Co., 1326 Welnut St., Phila., Pa.

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The address of the within-named Grantees is:

 239 South Fourth Street Philadelphia, PA 19106

TEXTEXT CONTRACTOR AND A STATE OF THE STATE

XIKNYJI BYRYYCKI DIRCYX PRODUCYJE WYSINION OR

On Behalf of Grantees

Commonwealth of Pennsylvania

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County of Montgomery

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On this, the 11th day of September , 1986 , before me, a Notary Public in

and for the Commonwealth and County aforesaid,——the undersigned Officer, personally appeared—HERBERT R. MAACK and ADELINE L. MAACK, husband and wife, the within-named Grantors,—

known to me (satisfactorily proven) to be the persons whose name s EX(are) subscribed to the within instrument, and acknowledged that heyexecuted the same for the purposes therein contained.

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

Notary Public

My Commission Expires:

DOLORES A. ELLIS, Notary Public
Portistown, Montgomery Co. [NOTARIAL SEAL]
My Commission Expires July 20, 1987

Recorded in the Office for Recording of Deeds in and for

in Deed Book

No: page

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Witness my hand and seal of Office this

BOOK 1907 of D889

Anno Domini 19.

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PARCEL NO. 1

ALL THAT CERTAIN tract or piece of land with the dwelling, barn, outbuildings and other improvements erected thereon and being Lot #1 of the Maack Subdivision situate on the northwest side of Pine Lane, Township Road T-476, in the Township of Amity, County of Berks and Commonwealth of Pennsylvania, being more fully bounded and described in accordance with a survey by Andrew F. Kent, Professional Land Surveyor, designated 04-45-85, as follows, to wit:

BEGINNING at a point in Pine Lane a corner of lands of William Kramer; thence in Pine Lane the two following courses and distances: (1) South 15 degrees 52 minutes West, 1526.91 feet to a spike; (2) South 55 degrees 20 minutes West, 113.06 feet to a spike, a corner of Lot #2; thence leaving said road and along Lot #2 in and along the centerline of a small stream the 25 following courses and distances: (1) leaving the aforementioned road North 37 degrees 41 minutes 18 seconds West, 91.44 feet to a point; (2) North 46 degrees 49 minutes 19 seconds East, 13.85 feet to a point, (3) North 26 degrees 40 minutes 30 seconds West, 246.21 feet to a point; (4) North (3) North 26 degrees 40 minutes 30 seconds West, 246.21 feet to a point; (4) North 66 degrees 36 minutes 07 seconds West, 141.64 feet to a point; (5) North 19 degrees 28 minutes 21 seconds West, 176.72 feet to a point; (6) North 72 degrees 27 minutes 14 seconds West, 91.58 feet to a point; (7) North 5 degrees 56 minutes 12 seconds East, 104.95 feet to a point; (8) North 66 degrees 40 minutes 10 seconds West, 44.10 feet to a point; (10) North 62 degrees 03 minutes 08 seconds West, 55.39 feet to reet to a point; (10) North 1 degree 20 minutes 15 seconds West, 55.39 feet to a point; (11) North 1 degree 20 minutes 15 seconds West, 72.00 feet to a point; (12) North 21 degrees 52 minutes 42 seconds West, 109.62 feet to a point; (13) North 18 degrees 05 minutes 32 seconds West, 147.91 feet to a point; (14) North 38 degrees 21 minutes 11 seconds East, 54.38 feet to a point; (15) North 6 degrees 41 minutes 28 seconds West, 18.83 feet to a point; (16) North 86 degrees 18 minutes 07 seconds West, 57.00 feet to a point; (17) North 54 degrees 14 minutes 41 seconds East, 27.18 feet to a point; (18) North 39 degrees 03 minutes 36 seconds West, 98.28 feet to a point; (19) North 85 degrees 52 minutes 20 seconds East, 81.50 feet to a point; (20) North 4 degrees 21 minutes 13 seconds West, 79.86 feet to a point; (21) North 28 degrees 15 minutes 26 seconds West, 79.21 feet to a point; (22) North 71 degrees 25 minutes 15 seconds West, 50.35 feet to a point; (23) North 29 degrees 04 minutes 03 seconds West, 28.99 feet to a point; (24) North 61 degrees 18 minutes 58 seconds East, 47.65 feet to a point; (25) North 2 degrees 48 minutes 31 seconds West, 38.51 feet to a point in line of lands of Lester A. Schmale; thence along lands of the same the two following courses and distances: (1) South 70 degrees 21 minutes East, 493.36 feet to an iron pin; (2) North 17 degrees 06 minutes East, 395.34 feet to an iron pin; thence along lands of William Kramer, South 69 degrees 22 minutes East, 551.27 feet to a spike, the place of BEGINNING.

CONTAINING 22.57 acres.

AND ALSO

PARCEL NO. 2

ALL THAT CERTAIN tract or piece of land being Lot #19 as shown on the plan of Lots of Amity Chase situate on the west side of a small stream and to the north of Pine Lane in the Township of Amity, County of Berks and Commonwealth of Pennsylvania, being more fully bounded and described in accordance with a survey by Andrew F. Kent, Professional Land Surveyor, designated 04-49-86, as follows, to wit:

BEGINNING at an iron pin in line of Lot #1 of the Maack Subdivision and a corner of Lot #1 of the Amity Chase Subdivision; thence along Lots 1, 2 and 3 of the Amity Chase Subdivision, South 82 degrees 00 minutes 40 seconds West, 276.33 feet to an

EXHIBIT "A"

iron pin; thence along Lots 6, 7, 8, 9 and 10 of the Amity Chase Subdivision, North 3 degrees 52 minutes 51 seconds West, 565,75 feet to an iron pin; thence along Lots 10 through 17, North 15 degrees 26 minutes 33 seconds West, 965.37 feet to an iron pin in line of lands of Lester A. Schmale; thence along lands of the same, South 63 degrees 19 minutes 54 seconds East, 300.43 feet to a point in a small stream; thence in said stream the twenty-three following courses and distances: (1) South 4 degrees 12 minutes 37 seconds West, 38.45 feet to a point; (2) South 68 degrees 20 minutes 05 seconds West, 47.65 feet to a point; (3) South 22 degrees 02 minutes 55 seconds East, 28.99 feet to a point; (4) South 64 degrees 24 minutes 07 seconds East, 50.35 feet to a point; (5) South 21 degrees 14 minutes 18 seconds East, 79.21 feet to a point; (6) South 2 degrees 39 minutes 55 seconds West, 79.86 feet to a point (7) North 87 degrees 06 minutes 32 seconds West, 81.50 feet to a point; (8) South 32 degrees 02 minutes 28 seconds East, 98.28 feet to a point; (9) South 61 degrees 15 minutes 49 seconds West, 27.18 feet to a point; (10) South 81 degrees 16 minutes 59 seconds East, 57.00 feet to a point; (11) South 0 degrees 19 minutes 40 seconds West, 18.83 feet to a point; (12) South 45 degrees 22 minutes 19 seconds West, 54.38 feet to a point; (13) South 11 degrees 04 minutes 24 seconds East, 147.91 feet to a point; (14) South 14 degrees 51 minutes 34 seconds East, 109.62 feet to a point; (15) South 5 degrees 40 minutes 53 seconds West, 72.00 feet to a point; (16) South 55 degrees 02 minutes East, 55.39 feet to a point; (17) South 81 degrees 26 minutes 05 seconds East, 44.10 feet to a point; (18) South 59 degrees 39 minutes 02 seconds East, 50.66 feet to a point; (19) South 12 degrees 57 minutes 20 seconds West, 104.95 feet to a point; (20) South 65 degrees 26 minutes 06 seconds East, 91.58 feet to a point; (21) South 12 degrees 27 minutes 13 seconds East, 176.72 feet to a point; (22) South 00 degrees 25 minutes 01 seconds West, 141.64 feet to a point; (23) South 19 degrees 37 minutes 57 seconds East, 68.33 feet to a point, the place of BEGINNING.

CONTAINING 5.992 acres.

RESERVATION AS TO LOT #19
EXCEPTING AND RESERVING the O

EXCEPTING AND RESERVING the Grantors, their heirs and assigns and the owners of Lots #1 through #18 of the Amity Chase Subdivision prepared by Andrew F. Kent, Plan #04-49-86, and their heirs and assigns at all times hereafter forever easements across Lot #19 to construct drainage facilities from Lots #1 through #18 to the small stream on the easterly side of Lot #19 to control stormwater runoff.

BEING A FART OF THE SAME PREMISES WHICH Helen G. Wertz, widow, by Indenture bearing date the 3rd day of November A.D. 1967 and recorded in the Office for the Recording of Deeds, in and for the County of Berks at Reading; PA in Deed Book 1518, page 220, granted and conveyed unto Herbert R. Maack and Adeline L. Maack, his wife; part of which being Lot #1 on a plan recorded in Plan Book 139, page 88, and a part of which being Lot #19 on a plan of lots known as Amity Chase prepared by Andrew F. Kent, Professional Land Surveyor; designated as #04-49-86, intended to be recorded herewith.

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EXHIBIT "A"

BDOK 1907 PAGE 0892

15th and Chestnut Streets Philadelphia, Pennsylvania 19102 STATE: \$3990, 00 LOCAL: \$3990. 00

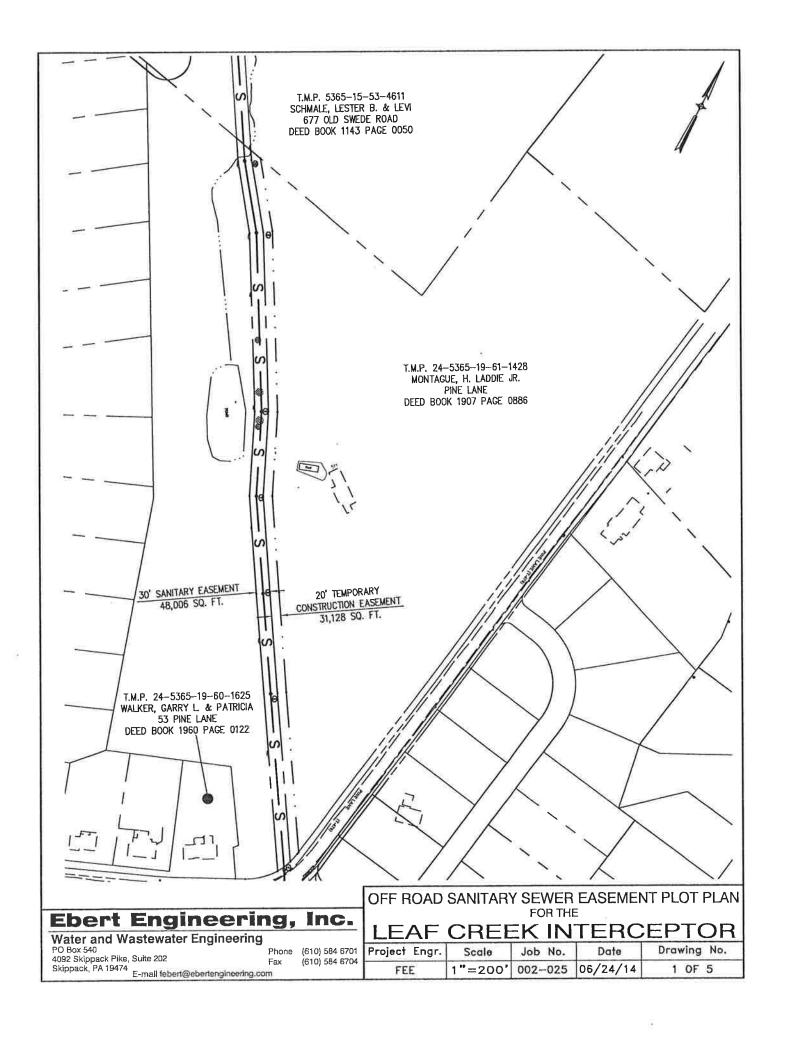
Henry F. Miller, Esquire WOLF, BLOCK, SCHORR and SOLIS-COHEN Twelfth Floor, Packard Building Prepared By: Copyright 1977 Printed and Sold by Jigha C. Clink Co., 1326 Watnet St., Phile, Pr. 41 Pine Lane Amity Township Bucks County Douglassville, Pennsylvania

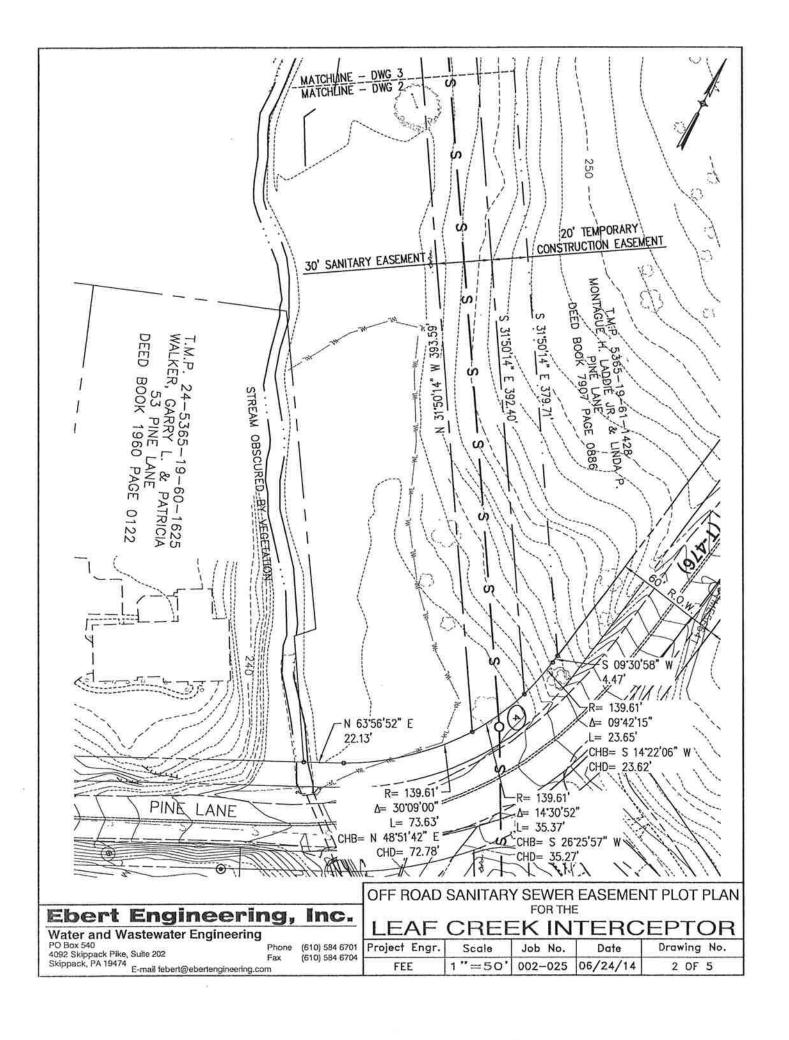
("Grantees")

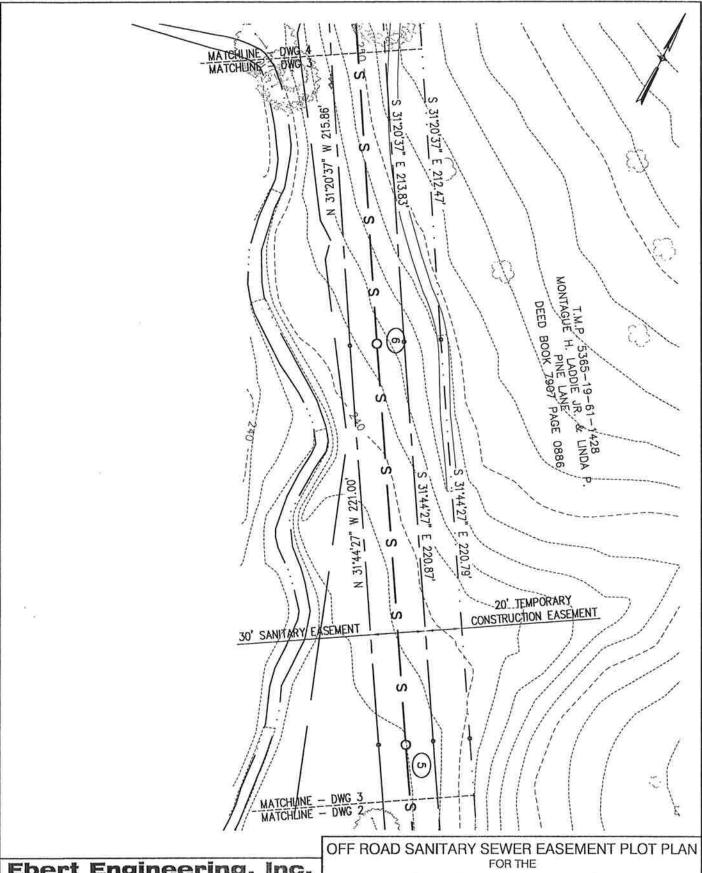
("Grantors")

ADELINE L.

EXHIBIT "B"







Ebert Engineering, Inc.

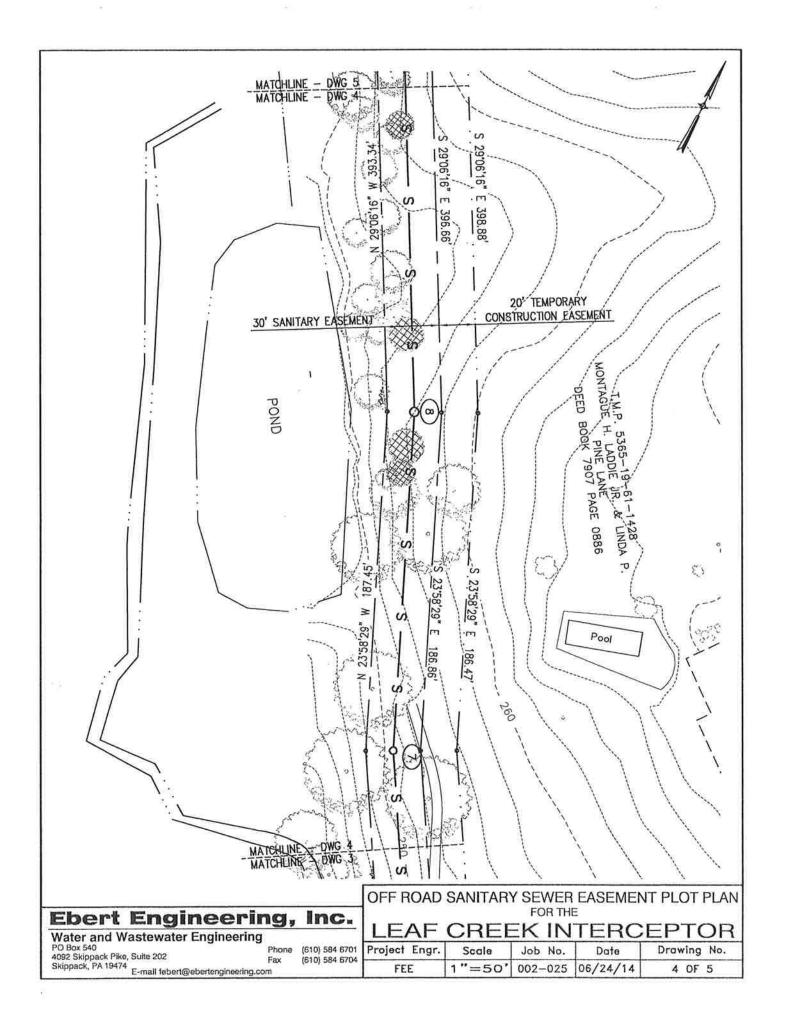
Water and Wastewater Engineering
PO Box 540
4092 Skippack Pike, Suite 202
Skippack, PA 19474
E-mail feben@ebentengineering.com

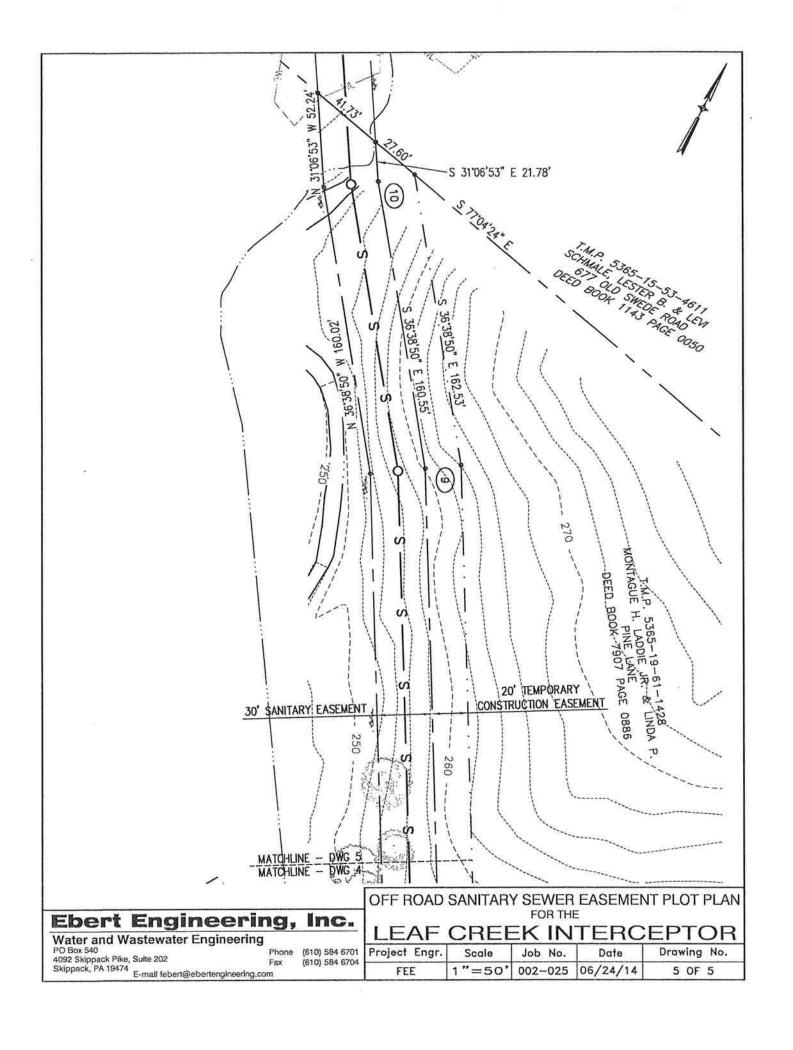
(610) 584 6701 (610) 584 6704

Phone Fax

LEAF CREEK INTERCEPTOR

Project Engr.	Scale	Job No.	Date	Drawing No.
FEE	1"=50'	002-025	06/24/14	3 OF 5







Job Number: 14-0615 tl Job Name: Leaf Creek Interceptor Date: June 25, 2014 File Name: 20' Temp. Const. Esmt. - Montague

20 feet wide Temporary Construction Easement through lands now or late of H. Laddie, Jr. & Linda P. Montague TMP 5365-19-61-1428

ALL THAT CERTAIN portion of land situate in the Township of Amity, County of Berks, Commonwealth of Pennsylvania bounded and described according to a Off Road Sanitary Sewer Easement Plot Plan made for Leaf Creek Interceptor, prepared by Ebert Engineering, Inc., dated June 24, 2014, Sheets 1 through 5 of 5, as follows, to wit:

BEGINNING AT A POINT on the curve of the northeasterly legal right of way line of Pine Lane, being 60 feet wide at this point, said point being at the intersection of said northwesterly legal right of way line with the dividing line between the 30 feet wide Sanitary Sewer and the 20 feet wide Temporary Construction Easements through said lands of H. Laddie, Jr. & Linda P. Montague;

THENCE, leaving said point of beginning and along the southeasterly side of the 30 feet wide Sanitary Sewer Easement through said lands of Montague, the following seven (7) courses and distances:

- 1. North 31°50'14" West, a distance of 392.40 feet, to a point;
- 2. North 31°44'27" West, a distance of 220.87 feet, to a point:
- 3. North 31°20'37" West, a distance of 213.83 feet, to a point;
- 4. North 23°58'29" West, a distance of 186.86 feet, to a point;
- 5. North 29°06'16" West, a distance of 396.66 feet, to a point;
- 6. North 36°38'50" West, a distance of 160.55 feet, to a point;
- 7. North 31°06'53" West, a distance of 21.78 feet, to a point in line of lands now or late of Lester B. & Levi Schmale TMP 5365-15-53-4611;

THENCE, along said lands of Schmale, South 77°04'24" East, a distance of 27.60 feet, to a point;

THENCE, through said lands of H. Laddie, Jr. & Linda P. Montague, the following six (6) courses and distances through said lands of Montague:

- 1. South 36°38'50" East, a distance of 162.53 feet, to a point;
- 2. South 29°06'16" East, a distance of 398.88 feet, to a point;
- 3. South 23°58'29" East, a distance of 186.47 feet, to a point;
- 4. South 31°20'37" East, a distance of 212.47 feet, to a point;
- 5. South 31°44'27" East, a distance of 220.79 feet, to a point;
- 6. South 31°50'14" East, a distance of 379.71 feet, to a point on the said northwesterly legal right of way line of Pine Lane;

Job Number: 14-0615 d

Job Name: Leaf Creek Interceptor

Date: June 25, 2014

File Name: 30' San. Sewer Esmt. - Montague

- 2. South 36°38'50" East, a distance of 160.55 feet, to a point;
- 3. South 29°06'16" East, a distance of 396.66 feet, to a point;
- 4. South 23°58'29" East, a distance of 186.86 feet, to a point;
- 5. South 31°20'37" East, a distance of 213.83 feet, to a point;
- 6. South 31°44'27" East, a distance of 220.87 feet, to a point;
- 7. South 31°50'14" East, a distance of 392.40 feet, to a point on the said northwesterly legal right of way line of Pine Lane;

THENCE, along the said northwesterly legal right of way line of Pine Lane, along an arc of a circle curving to the right, having a radius of 139.61 feet, an arc distance of 35.37 feet, and being subtended by a chord bearing of South 26°25'57" West and a chord distance of 35.27 feet, to a point, said point being the first mentioned point and Place of Beginning.

Containing 48,006 Sq. Ft., more or less.

Kevin R. Gibbons

Professional Land Surveyor Commonwealth of Pennsylvania

Kom L. S.

License No. SU-044550-E



Job Number: 14-0615 d Job Name: Leaf Creek Interceptor Date: June 25, 2014 File Name: 30' San, Sewer Esmt. - Montague

30 feet wide Sanitary Sewer Easement through lands now or late of H. Laddie, Jr. & Linda P. Montague TMP 5365-19-61-1428

ALL THAT CERTAIN portion of land situate in the Township of Amity, County of Berks, Commonwealth of Pennsylvania bounded and described according to a Off Road Sanitary Sewer Easement Plot Plan made for Leaf Creek Interceptor, prepared by Ebert Engineering, Inc., dated June 24, 2014, Sheets 1 through 5 of 5, as follows, to wit:

BEGINNING AT A POINT on the curve of the northeasterly legal right of way line of Pine Lane, being 60 feet wide at this point, said point being further located the following two (2) courses and distances along the said northeasterly legal right of way line of Pine Lane from the common property line between said lands now or late of H. Laddie, Jr. and Linda P. Montague and lands now or late of Garry L. & Patricia Walker TMP 5365-19-60-1625:

- 1. North 63°56'52" East, a distance of 22.13 feet, to a point of curve;
- 2. Along an arc of a circle curving to the left, having a radius of 139.61 feet, an arc distance of 73.63 feet and being subtended by a chord bearing of North 48°51'42" East and a chord distance of 72.78 feet, to the Point of Beginning;

THENCE, leaving said point of beginning and through said lands of Montague, the following seven (7) courses and distances:

- 1. North 31°50'14" West, a distance of 393.59 feet, to a point;
- 2. North 31°44'27" West, a distance of 221.00 feet, to a point:
- 3. North 31°20'37" West, a distance of 215.86 feet, to a point;
- 4. North 23°58'29" West, a distance of 187.45 feet, to a point;
- 5. North 29°06'16" West, a distance of 393.34 feet, to a point;
- 6. North 36°38'50" West, a distance of 160.02 feet, to a point;
- 7. North 31°06'53" West, a distance of 52.24 feet, to a point in line of lands now or late of Lester B. & Levi Schmale TMP 5365-15-53-4611;

THENCE, along said lands of Schmale, South 77°04'24" East, a distance of 41.73 feet, to a point in line of a 20 feet wide Temporary Construction Easement through said lands of Montague and along the northeasterly side of this Sanitary Sewer Easement;

THENCE, along the common line between the said 20 feet wide Temporary Construction Easement and this 30 feet wide Sanitary Sewer Easement, the following seven (7) courses and distances through said lands of Montague:

1. South 31°06'53" East, a distance of 21.78 feet, to a point;

Job Number: 14-0615 d

Job Name: Leaf Creek Interceptor

Date: June 25, 2014

File Name: 20' Temp. Const. Esmi. - Montague

THENCE, along the said northwesterly legal right of way line of Pine Lane, the following two (2) courses and distances:

1. South 09°30'58" West, a distance of 4.47 feet, to a point of curve;

2. Along an arc of a circle curving to the left, having a radius of 139.61 feet, an arc distance of 23.65 feet, and being subtended by a chord bearing of South 14°22'06" West and a chord distance of 23.62 feet, to a point, said point being the first mentioned point and Place of Beginning.

Containing 31,128 Sq. Ft., more or less.

R. GIBBON

Kevin R. Gibbons

Professional Land Surveyor Commonwealth of Pennsylvania

License No. SU-044550-E