# RESOLUTION NO. 15-12

A RESOLUTION OF THE TOWNSHIP OF AMITY, BERKS COUNTY, PENNSYLVANIA, FOR THE CONDEMNATION OF A PORTION OF LAND OWNED BY GCP AMITY RESIDENTIAL, LP OWNERS OF LAND AT 677 OLD SWEDE ROAD, SITUATE IN THE TOWNSHIP OF AMITY, BERKS COUNTY, PENNSYLVANIA, AS MORE FULLY DESCRIBED IN RECORD BOOK VOLUME 5367, PAGE 0371, 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 GCP Amity Residential, LP located at 677 Old Swede Road, situate in the Township of Amity, Berks County, Pennsylvania, (the "Property"), more fully described in Record Book Volume 5367, page 0371, 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 18th day of March, 2015

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 18<sup>th</sup> day of March, 2015.

Secretary (Assistant)

## EXHIBIT "A"

DEED

Prepared By: John C Bradley, Jr, Esquire

Masano ♦ Bradley

1100 Berkshire Blvd, Suite 201

Wyomissing, PA 19610

2008028665 06/03/2008 02 34 09 PM 1 RCD FEE \$41 00 LCL TAX \$40,000 00 ST TAX \$40 000 00 PAGE 1 of 4

REC BK05357-PG0371

Premises.

677 Old Swede Road, a/k/a Rt 662

Amity Township, Berks County, PA

Tax Parcel # 5365-15-53-4611 & 5366-19-52-1220

Return To.

GCP - Amity Residential, LP

920 Matsonford Road

West Conshohocken, PA 19428

This Deed, Made this 30+4 day of May

Between LEVI B. SCHMALE and LESTER B. SCHMALE, of Fleetwood, Berks County, Pennsylvania, (hereinafter called the Grantors),

#### AND

GCP - AMITY RESIDENTIAL, LP, a Delaware limited partnership, of 920 Matsonford Road, West Conshohocken, Pennsylvania, (hereinafter called the Grantee),

Witnesseth, That in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, in hand paid, the receipt whereof is hereby acknowledged, the said Grantor does hereby grant and convey to the said Grantee its successors and assigns,

ALL THAT CERTAIN tract or piece of ground situate in Amity Township, Berks County, Pennsylvania, bounded and described according to an Existing Features Plan of the Schmale Farm, drawn by Bursich Associates, Inc , dated September 7, 2006 and revised January 31, 2007, being bounded and described as follows, to wit:

BEGINNING at a point on the title line in the bed of Pine Forge Road (S.R. 2063), said point being a corner of lands now or late of Garland M Fisher and Linda Fisher, thence extending from said point of beginning along said lands now or late of Garland M. Fisher and Linda Fisher and crossing the Southwesterly side of Pine Forge Road South 21 degrees 38 minutes 12 second West 1,221 21 feet to a point, a corner of lands now or late of M, M&S, LLP, thence extending along said lands South 21 degrees 43 minutes 39 seconds West 1,225 63 feet to a point, a corner of lands now or late of H Laddie Montague, Jr and Linda P Montague; thence extending along said lands South 21 degrees 53 minutes 14 seconds West 395 30 feet to a point, a corner of lands now or late of H. Laddie Montague, Jr and Linda P. Montague, thence extending along said lands and lands of others North 65 degrees 08 minutes 30 seconds West 1,052.12 feet to a point, a corner of lands now or late of Craig S. Neiman and Deborah A. Neiman; thence extending along said lands and crossing the Northeasterly side of Old Swede Road (SR 0662) South 52 degrees 37 minutes 39 seconds West 250.88 feet to a point on the title line in the bed of Old Swede Road, thence extending along same the two following courses and distances, (1) North 21 degrees 13 minutes 06 seconds West 64 82 feet to point, a corner, and (2) North 19 degrees 32 minutes 24 seconds West 696 14 feet to a point, a corner of lands now or late of Debra K. Mills, thence extending along said lands of others and re-crossing the Northeasterly side of Old Swede Road and re-crossing the Southwestern side of Pine Forge Road North 22 degrees 17 minutes 31 seconds East 3,047.64 feet to a point on the title line in the bed of Pine Forge Road; thence extending along same the five following courses and distances, (1) South 15 degrees 30 minutes 48 seconds East 344 52 feet to a point, a corner, (2) South 39 degrees 34 minutes 57 seconds West 31.64 feet to a point, a corner, (3) South 37 degrees 28 minutes 58 seconds East 249 91 feet to a point, a corner (4) South 82 degrees 28 minutes 58 seconds East 432.76 feet to a point, a corner, and (5) South 47 degrees 44 minutes 58 seconds East 895 32 feet to the first mentioned point and place of **BEGINNING** 

BEING TAX PARCEL NUMBER 5365-15-53-4611 and 5366-19-52-1220

BEING THE SAME PREMISES WHICH Walter D. Schmehl, a/k/a Walter D. Schmale, by Deed dated September 26, 1953 and recorded September 29, 1953 in Berks County in Deed Book 1143, page 50, granted and conveyed unto Lester B Schmale and Levi Schmale, in fee

ALSO BEINGTHE SAME PREMISES WHICH Walter D Schmehl, a/k/a Walter D. Schmale by Deed dated November 17, 1962 and recorded November 19, 1962 in Berks County in Deed Book 1417, page 370, granted and conveyed unto Lester B. Schmale and Levi B Schmale in fee

TOGETHER with all and singular the buildings and improvements, ways, streets, alleys, driveways, passages, waters, water-courses, rights, easements, rights of way, liberties, privileges, hereditaments and appurtenances, whatsoever unto the hereby granted premises belonging, or in any wise appertaining, and the reversions and remainders, rents, issues and profits thereof, and including, without limitation, any and all municipal, county and state permits, approvals and development rights and agreements, and all the estate, right, title, interest, property, claim and demand whatsoever of it, the said Grantor, 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 above described with the messuage or tenement thereon erected, hereditaments and premises hereby granted, or mentioned and intended so to be, with the appurtenances, unto the said Grantee, its successors and assigns, to and for the only proper use and behoof of the said Grantee, its successors and assigns forever

AND the said Grantor, for itself, and its successors, executors and administrators does covenant, promise, grant and agree, to and with the said Grantee, its successors and assigns, by these

presents, that it, the said Grantor and its successors and assigns, all and singular the hereditaments and premises hereby granted or mentioned and intended so to be, with the appurtenances, unto the said Grantee, its successors and assigns, against them, the said Grantor and its successors, and against all and every person or persons whomsoever lawfully claiming or to claim the same or any part thereof, by, from or under it or any of them, shall and will WARRANT and forever DEFEND

The actual consideration for this conveyance is \$ 4,000,000.00

In Witness Whereof, the said Grantors have executed or caused these presents to be duly executed the day and year first above written

Sealed and Delivered
In the Presence of
Witness

The whole the presence of the

LESTER B. SCHMALE

LEVIB SCHMALE

COMMONWEALTH OF PENNSYLVANIA

SS

COUNTY OF BERKS

On this, the 30+h day of 2008, before me, the undersigned officer, personally appeared LESTER B SCHMALE and LEVI B SCHMALE, 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.

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

Notary Public

COMMONWEALTH OF PENNSYLVANIA

NGTARIAL SEAL JOSEPH E. SCHAEFFER, Notary Public Wyomissing Boro , Berks County My Commission Expires February 27, 2811

I certify that the address of the Grantee is

GCP - Amity Residential, LP

920 Matsonford Road

West Conshohocken, PA 19428

Name

### 2008028665

Frederick C Sheeler Recorder of Deeds

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

Receipt Number: 260387 Operator ID: DSYLVESTER Station ID: CASHIER4

Submitter Name:

HEARTLAND SETTLEMENT CO

### DEED

2008028665 RECORD BK05367-PG0371 Pages: 4

Recorded: 06/03/2008 02:34:09 PM:1

Recording Fee	\$13.00
Recording Page Fee	\$1.00
No of Pages 4	\$0.00
Affordable Housing	\$11.50
ROD Improvement Fund	\$5.00
Writ Tax	\$0.50
Judicial	\$10.00
AMITY MUNI	\$20,000.00
DANIEL BOONE SCH DIST	\$20,000.00
State Transfer Tax	\$40,000.00

Total: \$80,041.00

Check #11361 Check #11358

RECORDED IN BERKS CO. PA

RECORDER OF DEEDS

REC BK05367-PG0374 2008028665 06/03/2008 02 34 09 PM 1 BERKS COUNTY ROD

DEEO

PAGE 4 of 4

### EXHIBIT "B"



Job Number: 14-0615 d
Job Name: Leaf Creek Interceptor
Date: February 6, 2015
File Name: San. Esmt. 'A'

# 30 Feet Wide Sanitary Sewer Easement 'A' upon lands now or late of Lester B. & Levi Smale (TMP 5365-15-53-4611)

ALL THAT CERTAIN portion of land situate in the Township of Amity, County of Berks, Commonwealth of Pennsylvania bounded and described according to a set of Plans entitled "Off Road Sanitary Sewer Easement Plot Plan for the Leaf Creek Interceptor", Sheets S1 to S6, prepared by Ebert Engineering, Inc., dated February 5, 2015, as follows, to wit:

BEGINNING AT A POINT, a point of tangent of the southeasterly legal right of way line of Gregory Boulevard, being 50 feet wide at this point;

THENCE, along said southeasterly legal right of way of Gregory Boulevard, North 18°03'38" East, a distance of 31.70 feet, to a point on the easterly side of this Sanitary Sewer Easement;

THENCE, along said easterly side of this Sanitary Sewer Easement the following four (4) courses and distances:

- 1. South 53°06'59" East, a distance of 93.98 feet, to a point;
- 2. South 39°39'10" East, a distance of 180.93 feet, to a point;
- 3. South 31°55'07" East, a distance of 263.64 feet, to a point;
- 4. South 31°06'53" East, a distance of 220.99 feet, to a point in line of lands now or late of H. Laddie Montague, Jr. (TMP 5365-19-61-1428);

THENCE, along said lands of Montague, North 77°04'24" West, a distance of 41.73 feet, to a common point on the westerly side of this Sanitary Sewer Easement and the easterly side of the 20 feet wide Temporary Construction Easement 'C';

THENCE, along said common line between this Sanitary Sewer Easement and said 20 feet wide Temporary Construction Easement 'C', the following four (4) courses and distances:

- 1. North 31°06'53" West, a distance of 191.76 feet, to a point;
- 2. North 31°55'07" West, a distance of 261.62 feet, to a point;
- 3. North 39°39'10" West, a distance of 175.36 feet, to a point;
- 4. North 53°06'59" West, a distance of 80.27 feet, to a point, said point being the first mentioned point and Place of Beginning.

Containing 13,842 Sq. Ft. more or less.

Job Number: 14-0615 d Job Name: Leaf Creek Interceptor Date: February 6, 2015 File Name: San, Esmt. 'A'



Kevin R. Gibbons
Professional Land Surveyor
Commonwealth of Pennsylvania
License No. SU-044550-E



Job Number:14-0615 d
Job Name: Leaf Creek Interceptor
Date: February 6, 2015
File Name: San, Esmt, 'B'

# 30 Feet Wide Sanitary Sewer Easement 'B' upon lands now or late of Lester B. & Levi Smale (TMP 5365-15-53-4611)

ALL THAT CERTAIN portion of land situate in the Township of Amity, County of Berks, Commonwealth of Pennsylvania bounded and described according to a set of Plans entitled "Off Road Sanitary Sewer Easement Plot Plan for the Leaf Creek Interceptor", Sheets S1 to S6, prepared by Ebert Engineering, Inc., dated February 5, 2015, as follows, to wit:

BEGINNING AT A POINT on the northwesterly legal right of way line of Gregory Boulevard at the common corner of this Sanitary Sewer Easement and the 20 feet wide Temporary Construction Easement 'D', said point being located North 18°03'38" East, a distyance of 23.53 feet from a point of tangent of the northwesterly legal right of way line of Gregory Boulevard, being 50 feet wide at this point;

THENCE, through said lands of Smale and along the common line between this Sanitary Sewer Easement and the 20 feet wide Temporary Construction Easement 'D', the following four (4) courses and distances:

- 1. North 40°09'14" West, a distance of 86.98 feet, to a point;
- 2. North 33°41'10" West, a distance of 381.18 feet, to a point;
- 3. North 33°09'58" West, a distance of 391.70 feet, to a point;
- 4. North 32°14'14" West, a distance of 9.41 feet, to a point in line of lands now or late of the Township of Amity (TMP 5365-14-44-1014);

THENCE, along said lands of the Township of Amity, North 11°10'10" East, a distance of 43.66 feet, to a point on the easterly side of this Sanitary Sewer Easement;

THENCE, along the easterly side of this Sanitary Sewer Easement the following four (4) courses and distances:

- 1. South 32°14'14" East, a distance of 40.89 feet, to a point;
- 2. South 33°09'58" East, a distance of 391.33 feet, to a point;
- 3. South 33°41'10" East, a distance of 379.35 feet, to a point;
- 4. South 40°09'14" East, a distance of 66.70 feet, to a point on the northwesterly legal right of way line of Gregory Boulevard;

THENCE, along said northwesterly legal right of way line of Gregory Boulevard, South 18°03'38" West, a distance of 35.29 feet, to a point, said point being the first mentioned point and Place of Beginning.

Containing 17,357 Sq. Ft. more or less.

Job Number: 14-0615 d Job Name: Leaf Creek Interceptor Date: February 6, 2015 File Name: San. Esmt, 'B'



Kevin R. Gibbons Professional Land Surveyor Commonwealth of Pennsylvania License No. SU-044550-E



Job Number: 14-0615 d
Job Name: Leaf Creek Interceptor
Date: February 6, 2015
File Name: Temp Construction, Estat. 'C'

# 20 Feet Wide Temporary Construction Easement 'C' upon lands now or late of Lester B. & Levi Smale (TMP 5365-15-53-4611)

ALL THAT CERTAIN portion of land situate in the Township of Amity, County of Berks, Commonwealth of Pennsylvania bounded and described according to a set of Plans entitled "Off Road Sanitary Sewer Easement Plot Plan for the Leaf Creek Interceptor", Sheets S1 to S6, prepared by Ebert Engineering, Inc., dated February 5, 2015, as follows, to wit:

BEGINNING AT A POINT, a point of tangent on the southeasterly legal right of way line of Gregory Boulevard, being 50 feet wide at this point;

THENCE, along said southeasterly legal right of way of Gregory Boulevard, North 18°03'38" East, a distance of 5.81 feet, to a point in common with this Temporary Construction Easement and the 30 feet wide Sanitary Sewer Easement 'A';

THENCE, along said common line of this Temporary Construction Easement and the 30 feet wide Sanitary Sewer Easement 'A', the following four (4) courses and distances:

- 1. South 53°06'59" East, a distance of 80.27 feet, to a point;
- 2. South 39°39'10" East, a distance of 175.36 feet, to a point;
- 3. South 31°55'07" East, a distance of 261.62 feet, to a point;
- 4. South 31°06'53" East, a distance of 191.76 feet, to a point in line of lands now or late of H. Laddie Montague, Jr. (TMP 5365-19-61-1428);

THENCE, along said lands of Montague, North 77°04'24" West, a distance of 27.82 feet, to a point on the westerly side of this Temporary Construction Easement;

THENCE, along said westerly side of this Temporary Construction Easement, the following four (4) courses and distances:

- 1. North 31°06'53" West, a distance of 147.50 feet, to a point;
- 2. North 31°55'07" West, a distance of 260.12 feet, to a point;
- 3. North 39°39'10" West, a distance of 171.65 feet, to a point;
- 4. North 53°06'59" West, a distance of 71.41 feet, to a point on the southeasterly legal right of way line of Gregory Boulevard;

THENCE, along said southeasterly legal right of way line of Gregory Boulevard, along an arc of a circle curving to the left, having a radius of 327.42 feet, an arc distance of 15.20 feet, being subtended by a chord bearing of North 19°23'26" East and a chord distance of 15.20 feet, to a point, said point being the first mentioned point and Place of Beginning.

Job Number: 14-0615 d Job Name: Leaf Creek Interceptor Date: February 6, 2015 File Name: Temp Construction, Esmt. 'C'

Containing 22,031 Sq. Ft. more or less.



Kevin R. Gibbons
Professional Land Surveyor
Commonwealth of Pennsylvania
License No. SU-044550-E



Job Number: 14-0615 d
Job Name: Leaf Creek Interceptor
Date: February 6, 2015
File Name: Temp, Construction, Esmt, 'D'

# 20 Feet Wide Temporary Construction Easement 'D' upon lands now or late of Lester B. & Levi Smale (TMP 5365-15-53-4611)

ALL THAT CERTAIN portion of land situate in the Township of Amity, County of Berks, Commonwealth of Pennsylvania bounded and described according to a set of Plans entitled "Off Road Sanitary Sewer Easement Plot Plan for the Leaf Creek Interceptor", Sheets S1 to S6, prepared by Ebert Engineering, Inc., dated February 5, 2015, as follows, to wit:

BEGINNING AT A POINT on the northwesterly legal right of way line of Gregory Boulevard at the common corner of this Temporary Construction Easement and the 30 feet wide Sanitary Sewer Easement 'B', said point being located North 18°03'38" East, a distance of 23.53 feet from a point of tangent of the northwesterly legal right of way line of Gregory Boulevard, being 50 feet wide at this point;

THENCE, through said lands of Smale and along the common line between this Temporary Construction Easement and the 30 feet wide Sanitary Sewer Easement 'B', the following four (4) courses and distances:

- 1. North 40°09'14" West, a distance of 86.98 feet, to a point;
- 2. North 33°41'10" West, a distance of 381.18 feet, to a point;
- 3. North 33°09'58" West, a distance of 391.70 feet, to a point;
- 4. North 32°14'14" West, a distance of 9.41 feet, to a point in line of lands now or late of the Township of Amity (TMP 5365-14-44-1014);

THENCE, along said lands of the Township of Amity, South 11°10'10" West, a distance of 28.84 feet, to a point on the westerly side of this Temporary Construction Easement;

THENCE, along the westerly side of this Temporary Construction Easement the following three (3) courses and distances:

- 1. South 33°09'58" East, a distance of 391.96 feet, to a point;
- 2. South 33°41'10" East, a distance of 382.40 feet, to a point;
- 3. South 40°09'14" East, a distance of 100.51 feet, to a point on the northwesterly legal right of way line of Gregory Boulevard;

THENCE, along said northwesterly legal right of way line of Gregory Boulevard, North 18°03'38" West, a distance of 23.53 feet, to a point, said point being the first mentioned point and Place of Beginning.

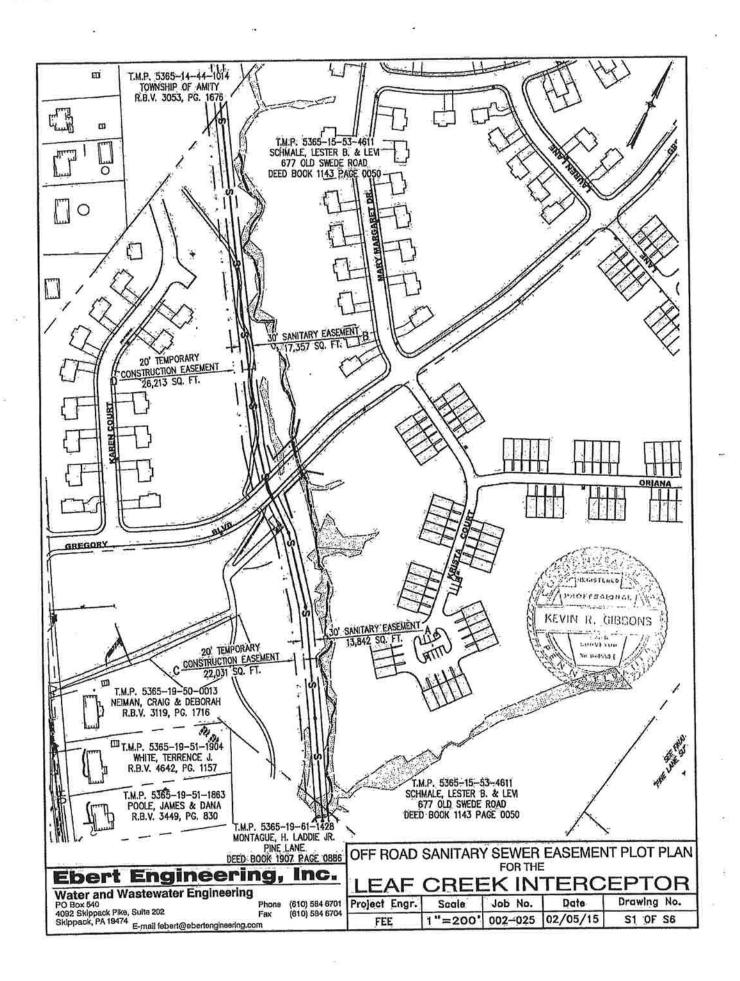
Containing 26,213 Sq. Ft. more or less.

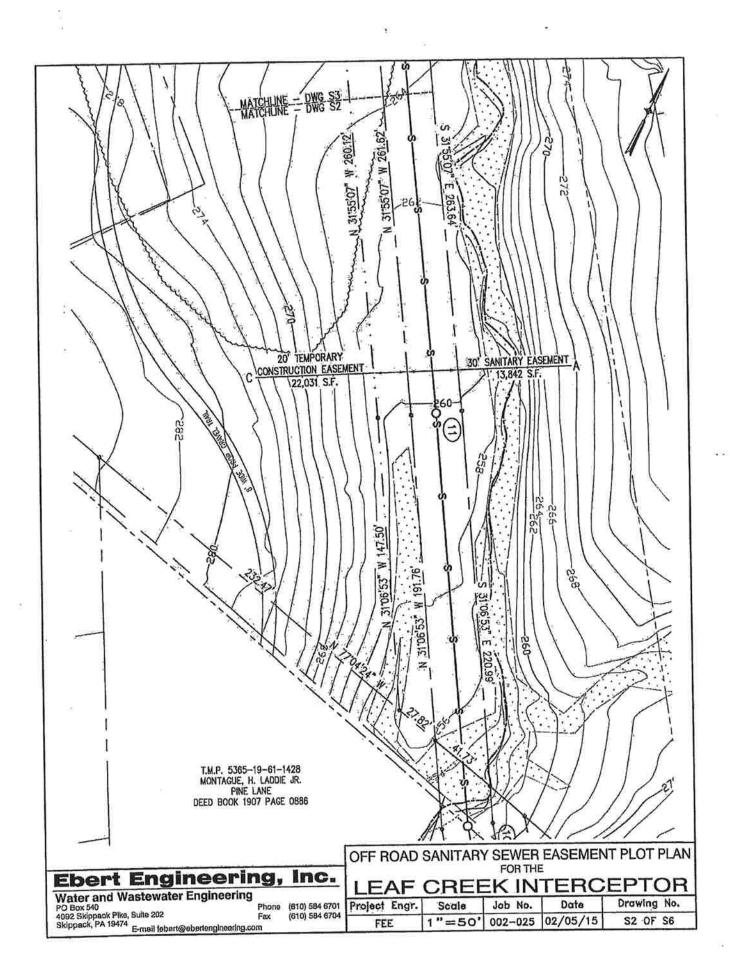
Job Number: 14-0615 d
Job Name: Leaf Creek Interceptor
Date: February 6, 2015
File Name: Temp. Construction. Esmt. 'D'

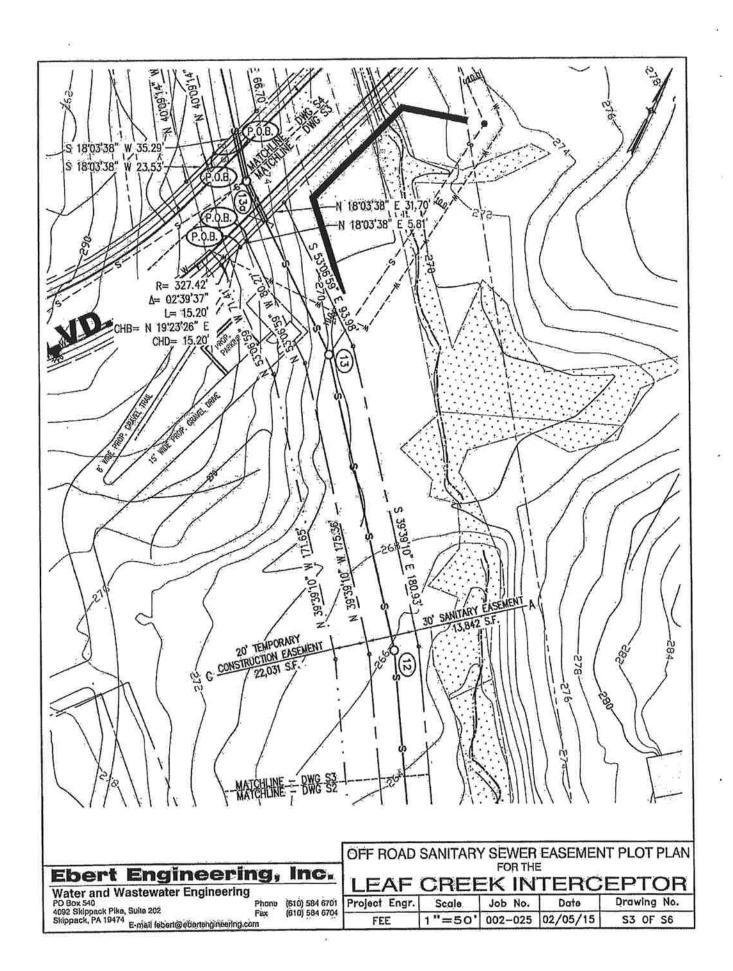
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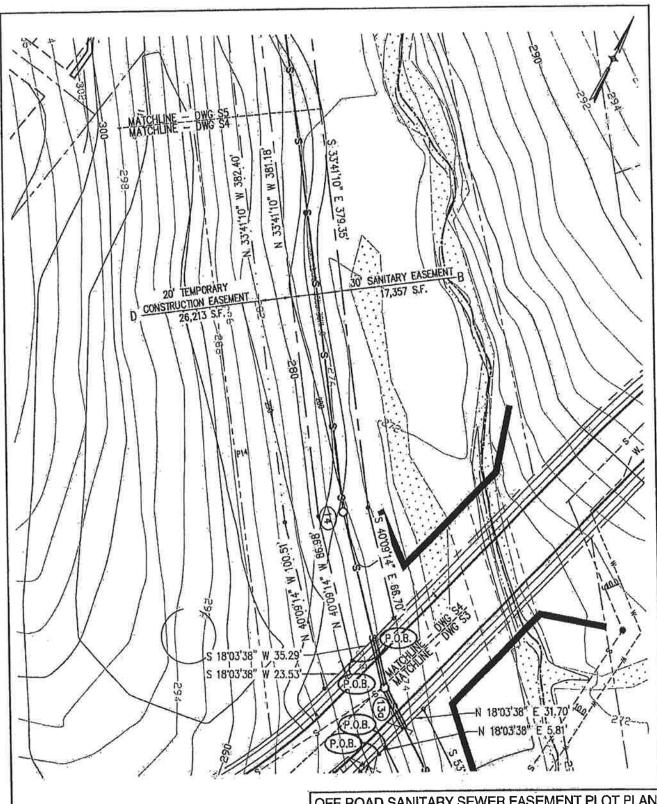
Kevin R. Gibbons Professional Land Surveyor Commonwealth of Pennsylvania License No. SU-044550-B

Home do do









### Ebert Engineering, Inc.

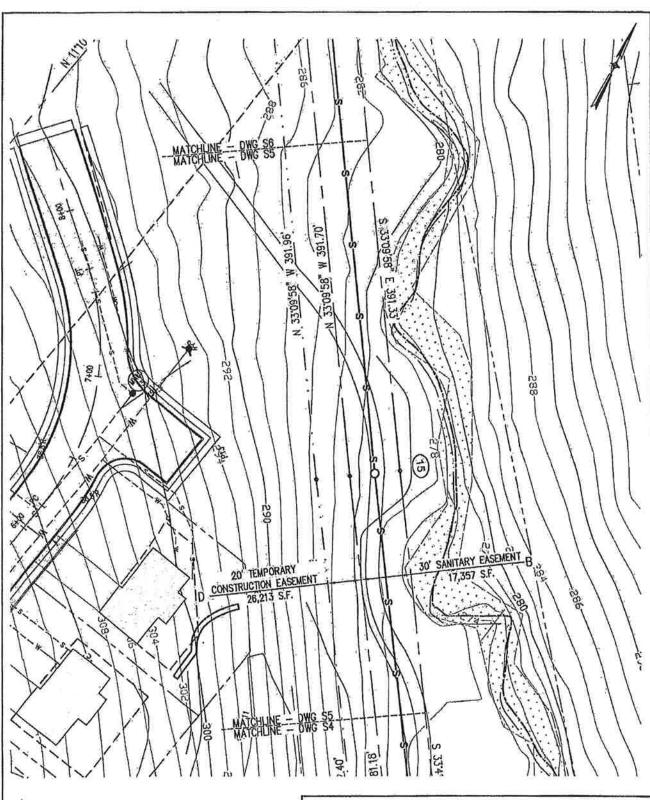
Phone (610) 584 6701 Fax (610) 584 6704

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

OFF ROAD SANITARY SEWER EASEMENT PLOT PLAN FOR THE

### LEAF CREEK INTERCEPTOR

	Project Engr.	Scale	Job No.	Date	Drawing No.
•	FEE	1"=50"	002-025	02/05/15	S4 OF S6



### Ebert Engineering, Inc.

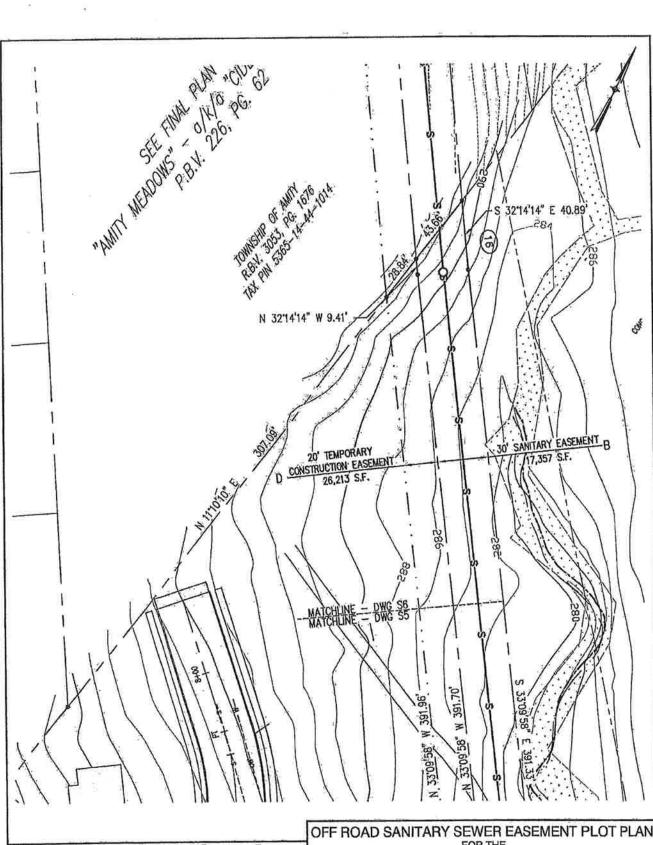
Water and Wastewater Engineering
PO Box 540
4092 Skippack Pike, Suite 202
Skippack, PA 19474
E-mail feber@eberrengineering.com

Phone (610) 584 6701 Fax (610) 584 6704

### OFF ROAD SANITARY SEWER EASEMENT PLOT PLAN FOR THE

### LEAF CREEK INTERCEPTOR

	Project Engr.	Scale	Job No.	Date	Drawing No.
'	FEE	1"=50"	002-025	02/05/15	S5 OF S6



#### Ebert Engineering, Inc.

(610) 584 6701 (610) 584 6704

Phone

Fax

Water and Wastewater Engineering
PD 80x 540
4092 Skippack Pike, Suite 202
Skippack, PA 19474
E-mall febert@ebertengineering.com

OFF ROAD SANITARY SEWER EASEMENT PLOT PLAN FOR THE

## LEAF CREEK INTERCEPTOR

Drawing No. Project Engr. Scale Job No. Date 02/05/15 1"=50" 002-025 S6 OF S6 FEE