

Borough of Lilly

Resolution

Resolution No.: 2015 Feb-1

*A Resolution of the Lilly Borough Council
Authorizing the Transfer of the Borough's
Reversionary Interest in a Parcel of Real
Property Owned by the Lilly Little League
and Located in Washington Township to
Washington Township*

WHEREAS, by deed dated May 18, 1987, Cooney Brothers Coal Company transferred a certain parcel of property, 2.7177 acres in size and located in Washington Township, Cambria County, Pennsylvania to the Lilly Little League; and

WHEREAS, said deed contains the following language which grants the Borough of Lilly a reversionary interest in said property: "... if at anytime hereafter the Lilly Little League shall become permanently inactive, or shall dissolve, title to said certain piece or parcel of land shall thereupon automatically pass to, and become vested in the Borough of Lilly . . ."; and

WHEREAS, as of the date of this Resolution, the said Lilly Little League is an active, non-profit domestic corporation created on August 5, 1985 as shown in the corporate database of the Pennsylvania Department of State; and

WHEREAS, Washington Township has obtained grant funding from the Commonwealth and is desirous of performing substantial improvements to the beforementioned property for the benefit of the Lilly Little League specifically and for the community in general; and

WHEREAS, in order for the funding to be released for the proposed project, one of the requirements of the grant is that Lilly Borough's reversionary interest in the property be transferred to the grant recipient, Washington Township; and

WHEREAS, since the Borough is not the record owner of the property and the Borough's interest is being transferred to a township, section 1201.3(a)(1) of the Borough Code does not require advertising, public auction or sale to the highest bidder.

NOW THEREFORE, BE IT **RESOLVED** by the Lilly Borough Council:

The Council of the Borough of Lilly does hereby approve and authorize the transfer of the Borough's reversionary interest in the property located in Washington Township, Cambria County, Pennsylvania, owned by the Lilly Little League and more fully described in the May 18, 1987 deed attached hereto and incorporated herein to Washington Township. The Council also authorizes the Council president to execute any and all documents required to facilitate the proposed transfer.

RESOLVED, this fourth day of February, 2015

BOROUGH OF LILLY:

By: John T. Barlick Jr.
John T. Barlick, Jr. - Mayor

Attest: Claudine M. Falger (Seal)
Claudine M. Falger - Secretary

This Deed,

MADE THE 18th day of May in the year
of our Lord one thousand nine hundred eighty-seven.

BETWEEN COONEY BROS. COAL CO., a general partnership, organized
and existing under the laws of the Commonwealth of Pennsylvania and
having as its principal office or place of business 1207 Fourth
Street, Cresson, Cambria County, Pennsylvania,

Grantor

and

LILLY LITTLE LEAGUE, a nonprofit corporation, organized and existing
under the laws of the Commonwealth of Pennsylvania and having as its
principal office or place of business R.D. 1, Box 490, Lilly,
Pennsylvania 15938.

Grantee :

WITNESSETH, that in consideration of Fifty (\$50.00) Dollars

in hand paid, the receipt whereof is hereby acknowledged, the said grantor does hereby grant
and convey to the said grantee

ALL that certain piece or parcel of land situate in the Township
of Washington, County of Cambria and State of Pennsylvania,
bounded and described as follows:

BEGINNING at an iron pin situate on or near the northerly
line of a stream and on or near the northerly line of a lane;
thence along or near the northerly line of said stream and the
northerly line of said lane North 65° 48' 17" West 171.44 feet
to an iron pin; thence North 18° 11' 00" East 16.16 feet to an
iron pin on the southeast corner of lands now or formerly of
Lilly Borough School District; thence along the easterly line of
said lands of Lilly Borough School District North 18° 11' 00" East
461.93 feet to an iron pin on the southerly line of the right-of-way
now or formerly of P.R.R.; thence along the southerly line of said
right-of-way now or formerly of P.R.R. South 66° 49' 00" East 334.54
feet to an iron pin on the westerly line of a roadway; thence along
the westerly line of said roadway the following two courses and
distances South 41° 30' 00" West 273.44 feet to an iron pin; thence
South 26° 50' 00" West 220.09 feet to an iron pin, the place of
beginning. Containing 2.7177 acres all as is more fully shown and
depicted on a map prepared by Frederick J. Brown, P.L.S., a copy of
which map is attached hereto and made a part hereof.

BEING part of those lands encompassed in description no. 13
in a Deed from Universal Minerals, Inc. et al to Cooney Bros. Coal
Co., dated June 15, 1983, and recorded in the office for the
recording of deeds, etc., in and for Cambria County on June 16,
1983, in Deed Book Vol. 1113, page 356.

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EXCEPTING AND RESERVING from the operation of this conveyance
all coal, iron ore, fire clay, mineral oil, gas or other mineral
underlying said piece or parcel of land with the exclusive right to
dig, mine or bore for the same and to remove any part or all thereof
through or over the herein conveyed lands coming from other lands
without any liability for damage to the surface or any structure
standing or same resulting from such removal, and the right to haul
minerals, convey gas or mineral oil from and to other lands through
this tract.

UNDER AND SUBJECT to the condition subsequent that if at anytime hereafter the Lilly Little League shall become permanently inactive, or shall dissolve, title to said certain piece or parcel of land shall thereupon automatically pass to, and become vested in, the Borough of Lilly, a municipal corporation organized and existing under the laws of the Commonwealth of Pennsylvania, its successors and assigns, to be used for none other than recreational purposes.

UNDER AND SUBJECT to the right of reverter in the Grantor herein, its heirs and assigns, that said certain piece or parcel of land, automatically revert to the Grantor herein, its heirs and assigns, should said piece or parcel of land ever cease to be used for recreational purposes.

The Grantor herein states that the hereinabove described property is not presently being used for the disposal of hazardous waste nor to the best of its knowledge, information and belief has it ever been used for the disposal of hazardous waste. This statement is made in compliance with the Solid Waste Management Act No. 1980-97, Section 405.

NOTICE

The undersigned grantor (grantors) hereby certifies that he/they know and understand that he/they may not be obtaining the right of protection against subsidence resulting from coal mining operations, and that the purchased property may be protected from damage due to mine subsidence by a private contract with the owners of the economic interests in the coal.

Witness signatures of grantor (grantors) this 1st day of May, 1987.
Mark Blanda (SEAL)
 Witness *Barry M. Miller* (SEAL)

THIS DOCUMENT MAY NOT SELL, CONVEY, TRANSFER, INCLUDE OR INSURE THE TITLE TO THE COAL AND RIGHT OF SUPPORT UNDERNEATH THE SURFACE LAND DESCRIBED OR REFERRED TO HEREIN, AND THE OWNER OR OWNERS OF SUCH COAL MAY HAVE THE COMPLETE LEGAL RIGHT TO REMOVE ALL OF SUCH COAL AND, IN THAT CONNECTION, DAMAGE MAY RESULT TO THE SURFACE OF THE LAND AND ANY HOUSE, BUILDING OR OTHER STRUCTURE ON OR IN SUCH LAND. THE INCLUSION OF THIS NOTICE DOES NOT ENLARGE, RESTRICT OR MODIFY ANY LEGAL RIGHTS OR ESTATES OTHERWISE CREATED, TRANSFERRED, EXCEPTED OR RESERVED BY THIS INSTRUMENT.