

Borough of Lilly

LILLY, PENNSYLVANIA

RESOLUTION

Resolution No.: 5-1-19-2

*A Resolution of the Lilly Borough Council
Authorizing the Transfer of Real
Property Owned by the Borough and
Located in Washington Township
to Washington Township*

WHEREAS, the Council and the Washington Township Supervisors ("Township") have been cooperating in the creation of a walking trail for use by the constituents of both municipalities; and

WHEREAS, the Lilly Borough Water Authority was in need of a buffer zone (as required by the Pennsylvania Department of Environmental Protection) around two of the water wells located in Washington Township; and

WHEREAS, as part of a cooperative effort of both municipalities, the Borough and Township have agreed to an exchange of real property to benefit the Township's walking trail project and the Borough's buffer zone requirement; and

WHEREAS, Section 1201.3 of Pennsylvania's Borough Code authorizes this exchange.

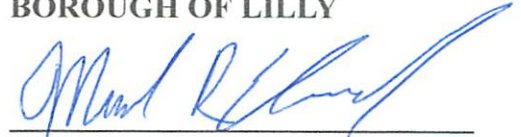
NOW THEREFORE, **BE IT RESOLVED** by the Lilly Borough Council as follows:

The Council hereby approves the transfer of the real property owned by the Borough and located in Washington Township to Washington Township for the Township's walking trail project. A copy of the proposed deed is attached hereto and incorporated herein. The Council President and Secretary are hereby authorized to sign any documents required to facilitate this transfer.

RESOLVED this first day of May, 2019

BOROUGH OF LILLY

By:



Michael Eckenrode - Mayor

Attest:


Claudine M. Falger - Secretary

THIS DEED

MADE AND ENTERED INTO THIS day of , 2019 by and between

BOROUGH OF LILLY, a municipal corporation, having its principal place of business at 421 Main Street, Lilly, Pennsylvania,

GRANTOR

A N D

TOWNSHIP OF WASHINGTON, a municipal corporation, having its principal place of business at 93 Jones Street, Lilly, Pennsylvania,

GRANTEE,

WITNESSETH, that the said **BOROUGH OF LILLY** for and in consideration of the sum of **ONE (\$1.00) DOLLAR** lawful money of the United States of America, unto it well and truly paid by the said Grantee, at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, enfeoffed, released and confirmed, and by these presents does grant, bargain, sell, alien, enfeoff, release and confirm unto the said Grantee, its successors and/or assigns,

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 a point being located South 74° 59' 48" East 227.41 feet from an iron pin, corner of land of Lilly Borough having Tax Map No. 64-007. -110.004 and corner of land of ECS Partnership LTD having Tax Map No. 64-007. -110.012; thence from said place of beginning and along land of Lilly Borough South 74° 59' 48" East 29.55 feet to a point; thence along land of ECS Partnership LTD the following two courses and distances: (1) South 29° 31' 53" East 143.21 feet to a point; and (2) South 30° 48' 01" East 172.26 feet to a point; thence along land of ECS Partnership LTD by a non-tangent curve to the left having an arc length of 304.04 feet, a radius of 1519.62 feet, and a chord bearing and distance of South 36° 19' 21" East 303.53 feet to a point; thence continuing along land of ECS Partnership LTD the following four courses and distances: (1) South 32° 57' 50" East 51.06 feet to a point; (2) South 45° 21' 14" East 198.36 feet to a point; (3) South 55° 09' 14" East 72.92 feet to a point; and (4) South 46° 29' 54" East 111.90 feet to a point; thence continuing along land of ECS Partnership LTD and also along land of Highland Sewer and Water Authority by a non-tangent curve to the right having an arc length of 284.23 feet, a radius of 1462.67 feet, and a chord bearing and distance of South 40° 33' 59" East 283.78 feet to a point; thence continuing along land of ECS Partnership LTD South 32° 56' 08" East 164.68 feet to a point; thence along land of ECS Partnership LTD

and along land of Highland Sewer and Water Authority the following nine courses and distances: (1) South 27° 22' 20" East 52.32 feet to a point; (2) South 29° 22' 22" East 100.57 feet to a point; (3) South 29° 12' 28" East 111.27 feet to a point; (4) South 35° 29' 24" East 120.43 feet to a point; (5) South 34° 05' 08" East 68.19 feet to a point; (6) South 42° 04' 12" East 137.33 feet to a point; (7) South 44° 29' 53" West 18.72 feet to a point; (8) North 43° 05' 04" West 141.65 feet to a point; and (9) North 54° 38' 45" West 71.96 feet to a point; thence continuing along land of ECS Partnership LTD and further along land of Richard R. Sweeney et al North 37° 21' 52" West 123.38 feet to a point; thence continuing along land of Richard R. Sweeney et al the following three courses and distances: (1) North 20° 13' 35" West 114.35 feet to a point; (2) North 30° 15' 47" West 100.24 feet to a point; and (3) North 33° 24' 48" West 52.83 feet to a point; thence continuing along land of Richard R. Sweeney et al and continuing thereafter along lands of ECS Partnership LTD North 30° 20' 37" West 160.93 feet to a point; thence by a non-tangent curve to the left having an arc length of 280.21 feet, a radius of 1842.10 feet, and a chord bearing and distance of North 41° 56' 58" West 279.94 feet to a point; thence North 47° 01' 32" West 109.96 feet to a point; thence North 40° 47' 45" West 71.54 feet to a point; thence along land of ECS Partnership LTD the following lines: (1) North 45° 56' 46" West 89.03 feet to a point; (2) North 47° 44' 12" West 112.28 feet to a point; (3) North 38° 12' 41" West 53.64 feet to a point; (4) by a non-tangent curve to the right having an arc length of 305.40 feet, a radius of 2046.56 feet, and a chord bearing and distance of North 34° 48' 25" West 305.12 feet to a point; (5) North 29° 39' 23" West 172.68 feet to a point; and (6) North 29° 28' 45" West 164.33 feet to a point, the place of beginning. Containing 1.51 acres, all as is more fully depicted on the Survey dated January 3, 2019 and prepared by Frederick Joseph Brown, Registered Surveyor, a copy of which Survey is attached hereto and made a part hereof.

UNDER AND SUBJECT to all exceptions, restrictions, conditions and reservations as contained in prior deeds of conveyance.

Being part of TAX MAP NO. 35-006. -311.000

BEING part of the same premises the title to which became vested in Borough of Lilly, a corporation, by Deed from Consolidated Rail Corporation, a corporation, dated February 23, 1988 and recorded May 2, 1988 in the office for the recording of deeds, etc., in and for Cambria County at Deed Book Volume 1202, page 83.

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.

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.

TOGETHER with all and singular ways, waters, water-courses, rights, liberties, privileges, hereditaments and appurtenances whatsoever thereunto belonging, or in anywise appertaining and the reversions, remainders, rents, issues and profits thereof; and all the estate, right, title, interest, property, claim and demand whatsoever, of in law, equity, or otherwise howsoever, of, in and to the same and every part thereof,

TO HAVE AND TO HOLD the said certain piece or lot of ground together with 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 Grantor hereby covenants and agrees that it will warrant specially the property hereby conveyed.

IN WITNESS WHEREOF, the said **BOROUGH OF LILLY** has caused this Indenture to be signed in its corporate name by its Council President and has caused to be affixed hereunto the common and corporate seal of the said corporation, attested by its Secretary, the day and year first above written.

ATTEST:

BOROUGH OF LILLY

Secretary

By: _____
WILLIAM D. PATTERSON, President

State of Pennsylvania :
: ss
County of Blair :

ON THIS, the _____ day of _____, 2019, before me, the undersigned officer, personally appeared William D. Patterson, who acknowledged himself to be the President of the Borough of Lilly, a corporation, and that he as such President, being authorized to do so, executed the foregoing instrument for the purposes therein contained by signing the name of the corporation by himself as President.

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

_____(SEAL)

Notary Public
Title of Officer

CERTIFICATE OF RESIDENCE

I do hereby certify that the precise residence and complete post office address of the within named Grantee is:

93 Jones Street
Lilly, PA 15938

Attorney for Grantee

AERIAL MAPPING FROM CAMBRIA COUNTY GIS
0' 200' 400'

LAND BEING CONVEYED FROM LILLY BOROUGHS
TO
WASHINGTON TOWNSHIP
WASHINGTON TOWNSHIP, CAMBRIA COUNTY, PENNSYLVANIA
SCALE 1" = 200'
JAN. 3, 2019

L29	N29°28'45"W	164.33'
L28	N29°39'23"W	172.68'
C4	R=2046.57'	L=305.40'
L27	N38°12'41"W	53.64'
L26	N47°44'12"W	112.28'
L25	N45°56'46"W	89.03'
L24	N40°47'45"W	71.54'
L23	N47°01'32"W	109.96'
C3	R=1842.10'	L=280.21'
L22	N30°20'37"W	160.93'
L21	N33°24'48"W	52.83'
L20	N30°15'47"W	100.24'
L19	N20°13'35"W	114.35'
L18	N37°21'52"W	123.38'
L17	N54°38'45"W	71.96'
L16	N43°05'04"W	141.65'
L15	S44°29'53"W	18.72'
L14	S42°04'12"E	137.33'
L13	S34°05'08"E	68.19'
L12	S36°29'24"E	120.43'
L11	S29°12'28"E	111.27'
L10	S29°22'22"E	100.57'
L9	S27°22'20"E	52.32'
L8	S32°56'08"E	164.68'
C2	R=1462.67'	L=284.23'
L7	S46°29'54"E	111.90'
L6	S55°09'14"E	72.92'
L5	S45°21'14"E	198.36'
L4	S32°57'50"E	51.06'
C1	R=1519.62'	L=304.04'
L3	S30°48'01"E	172.26'
L2	S29°31'53"E	143.21'
L1	S74°59'48"E	29.55'

LINE BEARING DISTANCE OR CURVE DATA

ECS PARTNERSHIP LTD
D.B. 2405 PG. 644
TAX MAP 64-007-110.012

ECS PARTNERSHIP LTD
D.B. 2405 PG. 644
TAX MAP 64-007-110.012

FREDERICK J. BROWN
P.L.S. 25751-E
P.O. BOX 296
SIDMAN, PA 15955
PH 814-487-5781



NAD 83 PA GRID FHMA BASE

- NOTES:
1. DEED BOOK 1202 AT PAGES 84 - 89 RECORDS AN UNREADABLE REDUCED MAP OF THE PENNSYLVANIA RAILROAD LILLY BRANCH. A FULL SCALE TRACING OF THIS MAP WAS FOUND IN RECORDS OF COONEY BROS. COAL CO. HOWEVER THIS MAP SHOWS VERY MINIMAL MATHEMATICS. WE SCANNED AND FIT THE MAP TO 2 EXISTING BRIDGES. THE MAP WAS ROTATED TO NAD 83 AND THE BEARINGS AND DISTANCES ON THIS MAP APPROXIMATELY FIT THE ORIGINAL PENNSYLVANIA RAILROAD MAP AS SOLD TO LILLY BOROUGHS.
 2. AT THIS TIME THE SOUTHERLY END OF THE LILLY BRANCH IS NOT SHOWN ON THE CAMBRIA COUNTY GIS, AND DEEDS HAVE BEEN RECORDED OVERLAPPING AND POSSIBLY GAPPING ALONG THE LILLY BRANCH.
 3. FREDERICK J. BROWN P.L.S. ASSUMES NO LIABILITY FOR THE ACCURACIES OR INACCURACIES OF THIS MAP.
 4. SEE PENNSYLVANIA RAILROAD MAP V18.022 LC2148.

