

Borough of Lilly

LILLY, PENNSYLVANIA

RESOLUTION

Resolution No.: 2021-12-1

*A Resolution of the Lilly Borough Council
Authorizing the Transfer of Approximately
One-Half Acre of Landlocked Property
to Washington Township for Use as an
Extension of the Public Walking Trail*

WHEREAS, Washington Township (the “Township”) has constructed a walking trail, within the Township, for use by the public which is anticipated to be used and enjoyed by numerous citizens of Lilly Borough; and

WHEREAS, the Township has proposed an extension of this walking trail which would traverse an approximate one-half acre of property located in Washington Township, Cambria County, Pennsylvania and owned by Lilly Borough (the “Property”). A map depicting the Property’s subdivision is attached hereto, marked as Exhibit “A” and incorporated herein. The Property consists of lots A1, A2 and E.; and

WHEREAS, Council has determined that the Property has not been utilized by the Borough since its purchase over thirty years ago; and

WHEREAS, Council has determined that the proposed usage of the Property for a portion of a public walking trail will be the best use for this landlocked, low valued real estate; and

WHEREAS, Section 1201.3(a)(1) of Pennsylvania's Borough Code (8 Pa.C.S. §101, et. seq.) authorizes boroughs to sell property to townships without requiring advertising for bids or sale at public auction and sale to the highest bidder.

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

Section 1. Council has determined that the Property's best usage at this time would be for the proposed walking trail located in Washington Township, for use by the public, including the citizens of Lilly Borough.

Section 2. Council hereby and herein authorizes the sale of the Property to Washington Township for the sum of one dollar (\$1.00).

Section 3. The Council President and Secretary are hereby and herein authorized to execute the proposed deed prepared by the Township along with any other documentation necessary in order to effectuate the sale of the Property. A copy of the proposed deed is attached hereto, marked as Exhibit "B" and incorporated herein.

RESOLVED this first day of December, 2021

BOROUGH OF LILLY

By: 
D. Scott Selip - Mayor

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

THIS DEED

MADE AND ENTERED INTO THIS day of , 2021 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 on line of land of Matthew J. Pyo Et Ux and on an arc of land formerly of the Pennsylvania Railroad now Lilly Borough; thence along land of Michael J. Pyo Et Ux the following two courses and distances:

- (1) N 64° 46' 00" E 408.62 feet to a point;
- (2) N 66° 26' 00" W 41.21 feet to a point;

thence along land of Michael G. Phillips Et Ux Et Al N 50° 52' 38" E 42.71 feet to a point; thence along land of Washington Township by a curve to the left having an arc length of 157.13 feet, a radius of 329.00 feet and a chord bearing and distance of N 51° 18' 04" E 155.64 feet to a point; thence continuing along said land N 37° 11' 44" E 4.87 feet to a point; thence along land of Michael G. Phillips Et Ux Et Al N 50° 52' 38" E 20.59 feet to a point; thence along land of Washington Township the following courses, distances and arcs:

- (1) S 52° 28' 19" E 55.27 feet to a point;
- (2) S 37° 31' 41" W 24.90 feet to a point;
- (3) By an arc to the right having an arc length of 196.37 feet, a radius of 389.00 feet, and a chord bearing and distance of S 52° 03' 59" W 194.29 feet to a point;

thence along the southerly side of land of Lilly Borough S 66° 31' 41" W 327.60 feet to a point; thence continuing along the southerly side of land of Lilly Borough by a curve to the right having an arc length of 85.26 feet, a radius of 634.00 feet and a chord bearing and distance of S 70° 28' 54" W 85.20 feet to a point, the place of beginning. Containing 0.410 acre and being Parcels "A1, A2, and E" on the Lilly Borough, Martynuska, Pyo, Sibis and Washington Township Subdivision as surveyed by Frederick J. Brown, P.L.S., a copy of which is recorded at Cambria County Instrument No. _____.

UNDER AND SUBJECT to the condition that the above described piece or parcel of land or any part thereof shall be used exclusively for public recreational purposes.

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

BEING designated as part of Cambria County 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 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 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
WILLIAM D. PATTERSON, President

State of Pennsylvania :
: ss
County of Cambria :

ON THIS, the day of , 2021, 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