

2017-664-CD

COPY

SANDY TOWNSHIP RESOLUTION NO. 14 -2017

WHEREAS, MORNINGSIDE CEMETERY ASSOCIATION, presented a Deed of Dedication dated October 28, 1999, to the TOWNSHIP OF SANDY for a certain piece, parcel or tract of land, more specifically described in the said October 28, 1999 Deed, with the piece, parcel or tract of land more particularly marked on the attached Exhibit A; and

WHEREAS, the said Deed of Dedication was not recorded nor signed by the TOWNSHIP OF SANDY, although the TOWNSHIP OF SANDY has physically accepted the parcel described in the Deed by improving the area described in the Deed by clearing and rough grading the Right-of-Way area for future use as a road way, installing a water line through the Right-of-Way area and mowing the Right-of-Way on occasion as needed to maintain access to the water line for maintenance purposes, said physical improvements and maintenance being in the area described in the said Deed and identified on the attached Exhibit A; and

WHEREAS, it is believed to be in the best interest of the TOWNSHIP OF SANDY to now formally accept the Deed of Dedication and have it recorded.

NOW, THEREFORE, BE IT RESOLVED AND IT IS HEREBY RESOLVED at this regular meeting of the Board of Supervisors of the TOWNSHIP OF SANDY held this 3rd day of April, 2017 as follows:

1. The TOWNSHIP OF SANDY hereby accepts the Deed of Dedication dated October 28, 1999, from MORNINGSIDE CEMETERY ASSOCIATION, for the piece or parcel of real estate described in said Deed and as shown on the attached Exhibit A as proposed Deed of Dedication.
2. A copy of the said Deed of Dedication dated October 28, 1999, is attached to this Resolution and made a part hereof.
3. The Chairman of the Board of Supervisors is authorized to accept the Deed of Dedication on behalf of the TOWNSHIP OF SANDY by signing it and the Secretary is authorized to attest the signature of the Chairman.
4. The Manager of the TOWNSHIP OF SANDY is then authorized to proceed to have the Deed of Dedication properly recorded and then lodged of record with the TOWNSHIP OF SANDY.

IN WITNESS WHEREOF, the following set forth their hands and seals the day and year aforesaid.

ATTEST:

Barbara E. Miller
Secretary

[Signature]
Chairman

I hereby certify this to be a true and attested copy of the original statement filed in this case.

APR 26 2017

A TRUE COPY

ATTEST: [Signature]
PROTHONOTARY-CLERK

DEED OF DEDICATION

THIS INDENTURE made the 28th day of October, 1999, between,
MORNINGSIDE CEMETERY ASSOCIATION, a Pennsylvania nonprofit corporation with its principal office in Sandy Township, Clearfield County, Pennsylvania, of the one part (hereinafter called the grantor)

and

TOWNSHIP OF SANDY, Clearfield County, Pennsylvania, a municipal corporation organized and existing under the laws of the Commonwealth of Pennsylvania, with its principal office in Sandy Township, Clearfield County, Pennsylvania, of the other part (hereinafter called the grantee)

The said grantor, for and in consideration of the sum of One (\$1.00) Dollar and the advantage to it accruing as well as for numerous other considerations affecting the public welfare which it seeks to advance, 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 assigns,

ALL those two certain pieces, parcels or tracts of land situate in Sandy Township, Clearfield County, Pennsylvania, bounded and described as follows:

PARCEL A: BEGINNING at an existing stone monument, said monument being the southeast corner of lands now or formerly of Developac, Inc., (Deed Book 1687-109, dated May 23, 1995, recorded July 6, 1995), being the northeast corner of lands now or formerly Nedza Real Estate Development Corp. (Deed Book 1327, page 491) and also being the northwest corner of herein described Right-of-Way for Parcel "A"; and further being referenced as Corner Number 1 on the survey map intended to be filed herewith; **thence** South 80° 5' 42" East through the 40-foot Right-of-Way grant from Morningside Cemetery Association to Green Glen Corporation (Deed Book 178-067, dated February 19, 1972) and through the lands now or formerly Morningside Cemetery Association a distance of 40.53 feet to a one-inch iron pipe set by this survey, said iron pipe being the northeast corner of the herein described Right-of-Way for Parcel "A"; and further being referenced as Corner Number 2 on the survey map intended to be filed herewith; **thence** South 19° 12' 55" West through the lands now or formerly Morningside Cemetery Association (Deed Book 325, page 11, dated February 20, 1939) a distance of 6.70 feet to

a one-inch iron pipe set by this survey, said iron pipe being referenced as Corner Number 3 on the survey map intended to be filed herewith; thence South 20° 7' 6" West through the lands now or formerly Morningside Cemetery Association (Deed Book 325, page 11, dated February 20, 1939) a distance of 402.68 feet to a one-inch iron pipe set by this survey, said iron pipe being the southeast corner of the herein described Right-of-Way for Parcel "A"; and further being referenced as Corner Number 4 on the survey map intended to be filed herewith; thence North 69° 52' 54" West along the line of lands now or formerly of Ott Resources, Inc. (Deed Book 1354, Page 297) and through the 40-foot Right-of-Way Grant from Morningside Cemetery Association to Green Glen Corporation (Deed Book 178, page 067, dated February 19, 1972) a distance of 40.00 feet to a one-inch iron pipe set by this survey, said iron pipe being the southwest corner of the herein described Right-of-Way for Parcel "A" and further being referenced as Corner Number 5 on the survey map intended to be filed herewith; thence North 20° 7' 6" East along the line of lands now or formerly Nedza Real Estate Development Corporation (Deed Book 1327, Page 491) a distance of 402.18 feet to an existing stone monument, said monument being the northeast corner of said lands for Nedza Real Estate Development Corporation and the northwest corner of the herein described Right-of-Way for Parcel "A"; and further being referenced as Corner Number 1 on the survey map intended to be filed herewith, the place of beginning. **CONTAINING** 16,231 square feet or 0.37 acres.

BEING a portion of the 40-foot Right-of-Way Grant (implied for public and private use) from Morningside Cemetery Association to Green Glen Corporation (Deed Book 178, Page 067, dated February 19, 1972), and being a portion of the premises conveyed to the grantor herein by deed of the Buffalo and Susquehanna Coal and Coke Company, dated February 20, 1939, and recorded in Clearfield County Deed Book 325, page 11.

Said parcel also being portrayed on a right-of-way survey of a proposed township road prepared by Alexander & Associates, Inc., dated March 30, 1999, revised August 9, 1999, which survey is intended to be filed in the Office of the Recorder of Clearfield County, Pennsylvania.

PARCEL B: BEGINNING at an existing stone monument, said monument being the southeast corner of lands now or formerly of Developac, Inc., (Deed Book 1687-109, dated May 23, 1995, recorded July 6, 1995), being the northeast corner of lands now or formerly Nedza Real Estate Development Corp. (Deed Book 1327, page 491) and also being the southwest corner of herein described Right-of-Way for Parcel "B"; thence North 19° 12' 55" East along the lands now or formerly Developac, Inc. (Deed Book 1687, Page 109, dated May 23, 1995, recorded July 6, 1995) a distance of 217.84 feet to a one-inch iron pipe set by this survey, said iron pipe being on a curve to the right of the proposed 50-foot Right-of-Way for Industrial Drive and also being the most northern corner of the herein described Right-of-Way for Parcel "B"; thence along the proposed 50-foot Right-of-Way for Industrial Drive and through the lands now or formerly Morningside Cemetery Association (Deed Book 593, page 234, dated February 19, 1972)

by a curve to the right, said curve having a radius of 578.42 feet an arc length of 216.29, said arc having a chord bearing of South 8° 29' 45" West and a chord distance of 215.04 feet to a one-inch iron pipe set by this survey, said iron pipe being on the PT of a curve to the right and also being the southwest corner of said lands for Morningside Cemetery (Deed Book 593, Page 234) and further being the southeast corner of the herein described Right-of-Way for Parcel "B"; thence North 80° 5' 42" West along the northern terminus of Shaffer Road Extension (50-foot Right-of-Way Dedication to Sandy Township from Morningside Cemetery Association-Deed Book 325, Page 11, dated February 20, 1939) a distance of 40.53 feet to an existing stone monument, said monument being the northeast corner of lands now or formerly Nedza Real Estate Development Corporation (Deed Book 1327, page 491) and also being the southwest corner of the herein described Right-of-Way for Parcel "B", the place of beginning. **CONTAINING** 5,804.00 square feet or 0.13 acres.

SUBJECT to any utility easements which may be of record.

BEING a portion of the 40-foot Right-of-Way Grant (implied for public and private use) from Morningside Cemetery Association to Green Glen Corporation (Deed Book 178, Page 067, dated February 19, 1972). **BEING** a portion of Parcel Number 39 on the Sandy Township/Clearfield County Assessment Map Number 128-C3.

BEING a portion of premises conveyed to the Grantor herein by deed of Green Glen Corporation dated February 19, 1972, recorded in Clearfield County Deed Book 593, page 234.

Said parcel also being portrayed on a right-of-way survey of a proposed township road prepared by Alexander & Associates, Inc., dated August 4, 1999, which survey is intended to be filed in the Office of the Recorder of Clearfield County, Pennsylvania.

Grantor herein states that the hereinabove described property is not presently being used for 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 CONVEYANCE IS EXEMPT FROM THE PAYMENT OF PENNSYLVANIA REALTY TRANSFER TAX IN THAT IT IS A CONVEYANCE TO A GOVERNMENT INSTRUMENTALITY BY GIFT AND DEDICATION.

ERVIN S. FENNELL, JR.
DU BOIS
PENNSYLVANIA

NOTICE

Grantee (hereinafter, whether one or more, called "Grantee") hereby states that he knows that he 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. (THIS NOTICE IS INSERTED HEREIN TO COMPLY WITH THE BITUMINOUS MINE SUBSIDENCE AND LAND CONSERVATION ACT OF 1996.)

APPROVED BY THE BOARD OF SUPERVISORS

BUTLER COUNTY, PENNSYLVANIA

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. (This Notice is set forth pursuant to Act No. 255, approved September 10, 1965, as amended.)

ERVIN S. FENNELL, JR.
DU BOIS
PENNSYLVANIA


TO HAVE AND TO HOLD, the said lot or piece of ground above described unto the said grantee, to and for the only proper use and behoof of said grantee, its successors and assigns forever, as and for a public street or highway or for general utility purposes and for no other use or purpose whatsoever and to the same extent and with the same effect as if the said street had been opened by a Decree of the Court of Common Pleas of Clearfield County, Pennsylvania.

And the said grantor will specially **WARRANT AND FOREVER DEFEND** the property hereby conveyed.


IN WITNESS WHEREOF, the said grantor has caused this Deed to be signed by its President and also by its Secretary and its Corporate Seal to be hereunto affixed, the day and year first above written.

MORNINGSIDE CEMETERY ASSOCIATION

Attest


Benjamin S. Blakley, III, Secretary
(corporate seal)

By


Ervin S. Fennell, Jr., President

Certificate of Residence

I hereby certify, that the precise residence of the grantee herein is as follows:

Attorney or Agent for Grantee

ERVIN S. FENNELL, JR.
DU BOIS
PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA :

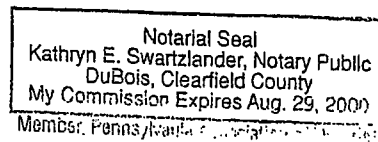
: SS

COUNTY OF CLEARFIELD :

On this, the 28th day of October, 1999 before me, the undersigned officer, personally appeared ERVIN S. FENNELL, JR., who acknowledged himself to be the President of MORNINGSIDE CEMETERY ASSOCIATION, the foregoing corporation, and that as such, he, being authorized by such corporation to do so, executed the foregoing deed for the purpose therein contained by signing his name thereon as such.

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

Kathryn E. Swartzlander



ERVIN S. FENNELL, JR.
DU BOIS
PENNSYLVANIA

