

COUNTY OF LEHIGH, PENNSYLVANIA
COMMISSIONERS BILL 2013-47
SPONSORED BY COMMISSIONER DOUGHERTY
REQUESTED DATE: SEPTEMBER 26, 2013
ORDINANCE 2013 – NO.

AMENDING ORDINANCE 2013-112 TO INCLUDE AN UPDATED QUIT
CLAIM DEED

WHEREAS, the County of Lehigh (County) is the owner of several parcels of land located within the Borough of Alburdis (Borough), at 407 Franklin Street (PIN 546365879007-1), East School Street (PIN 546365024770-1) and West Fifth Street (PIN 546364466525-1); and

WHEREAS, Ordinance 2013-112 approved the transfer of these three (3) parcels of land to the Borough of Alburdis through a quit claim deed and a \$50,000.00 payment; and

WHEREAS, the Borough has requested an amended quit claim deed before completing the transfer; and

WHEREAS, the amendments include minor corrections, including clarification on the restrictive use covenant; and

WHEREAS, a copy of the proposed quit claim deed is attached hereto as Exhibit "A"; and

WHEREAS, Ordinance approval is required to amend the terms of an agreement previously approved by Ordinance.

**NOW, THEREFORE, IT IS HEREBY ENACTED AND ORDAINED BY
THE BOARD OF COMMISSIONERS OF THE COUNTY OF LEHIGH,**

PENNSYLVANIA, THAT:

1. The above recitals are incorporated herein by reference and made a part hereof.
2. The quit claim deed, as attached hereto as Exhibit "A", is hereby approved.
3. The proper officers and other personnel of Lehigh County are hereby authorized and empowered to take all such further action, including any necessary transfers of funds, and execute additional documents as they may deem appropriate to carry out the purpose of this Ordinance.
4. The County Executive shall distribute copies of this Ordinance to the proper officers and other personnel of Lehigh County whose further action is required to achieve the purpose of this Ordinance.
5. Any Ordinance or part of any Ordinance conflicting with the provisions of this Ordinance is hereby repealed insofar as the same affects this Ordinance.
6. This Ordinance shall become effective in ten (10) days after enactment.

ADOPTED this _____ day of _____, 2013, by the

following vote:

Commissioners

AYE

NAY

Thomas C. Creighton, III
Percy H. Dougherty
David S. Jones, Sr.
Daniel K. McCarthy
Vic Mazziotti
Brad Osborne
Scott Ott
Lisa Scheller
Michael P. Schware

ATTEST: _____
CLERK TO THE BOARD OF COMMISSIONERS

APPROVED this _____ day of _____, 2013.

Matthew T. Croslis
County Executive

ENACTED this _____ day of _____, 2013.

Prepared by:
Department of Law
17 South 7th Street
Allentown, PA 18101
610-782-3180

RETURN TO:
Department of Law
17 South 7th Street
Allentown, PA 18101
610-782-3180

3.18 Acres, East School Street Borough of Alburtis, County of Lehigh, PA / PIN: 546365024770-1
407 Franklin Street, Borough of Alburtis, County of Lehigh, PA / PIN: 546365879007-1
14.516 acres, West Fifth Street, Borough of Alburtis, County of Lehigh, PA / PIN: 546364466525-1

QUIT CLAIM DEED

THIS INDENTURE made the day of in the year Two Thousand Thirteen
(2013)

BETWEEN

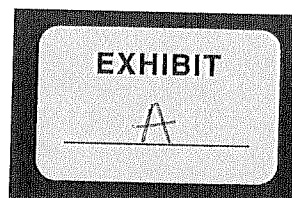
COUNTY OF LEHIGH, a home rule charter county, with offices located at 17 South 7th
Street, Allentown, Pennsylvania, 18101, hereinafter referred to as "GRANTOR" and party of the
first part;

AND

BOROUGH OF ALBURTIS, a borough of the first class, with offices located at 260 Franklin
Street, Alburtis, Pennsylvania, 18011, hereinafter referred to as "GRANTEE" and party of the
second part;

WITNESSETH, that the said party of the first part in consideration of the sum of one (\$1.00)
Dollar, lawful money of the United States of America, to it well and truly paid by the said party
of the second part, at and before the sealing and delivery of these presents, the receipt whereof is
hereby acknowledged, have remised, released and quit-claimed, and by these presents does
remise, release and quit-claim unto the said party of the second part, its successors and assigns

ALL THAT CERTAIN land described as Exhibit "A."



THE USE OF THIS PROPERTY SHALL BE RESTRICTED TO RECREATION, CONSERVATION, OPEN SPACE, HISTORICAL PRESERVATION AND MUNICIPAL PURPOSES ONLY AND SHALL BE AVAILABLE TO THE GENERAL PUBLIC IN ACCORDANCE WITH THE REGULATIONS OF THE BOROUGH OF ALBURTIS.

THIS IS A TRANSFER AS A GIFT FROM AN EXEMPT GOVERNMENTAL ENTITY TO ANOTHER EXEMPT GOVERNMENTAL ENTITY UNDER SECTION 91.193(b)(1)(ii) OF THE REALTY TRANSFER TAX ACT.

Notwithstanding the above restriction, the Grantee, its successors and assigns, shall have the sole right to approve any and all lot line boundary adjustments concerning Parcel 1, Tract No. 2 (the "cemetery lot") (PIN 546365024770-1), and Parcel 2 (the "bird sanctuary") (PIN 546364466525-1) to resolve certain existing and future property boundary encroachments that may be identified by the Grantee, its successors or assigns, without the consent of Grantor, its successors or assigns. All property conveyed to effect such lot line boundary adjustments shall be free and clear of any use restriction under this Quit Claim Deed.

TOGETHER with all and singular, the tenements, hereditaments and appurtenances thereunto belonging, or in any wise appertaining, and the reversions, remainders, rents, issues and profits thereof; and also, all the estate, right, title, interest, property, claim and demand whatsoever, as well in law as in equity, of the said party of the first part, of, in, or to the above-described premises, and every part and parcel thereof, with the appurtenances.

TO HAVE AND TO HOLD all and singular the above-mentioned and described premises, together with the appurtenances, unto the said parties of the second part, their successors and assigns forever.

IN WITNESS WHEREOF, the said party of the first part, has caused these presents to be signed by its County Executive and its corporate seal to be hereunto affixed, duly attested by its Secretary or an Assistant Secretary, the day and year first above written.

ATTEST

COUNTY OF LEHIGH

BY: _____
MATTHEW T. CROSLIS
County Executive

COMMONWEALTH OF PENNSYLVANIA)
) SS:
COUNTY OF LEHIGH)

I hereby certify that on this day of , 2013, before me, the subscriber, a Notary Public in and for said State and County, personally appeared MATTHEW T. CROSLIS, who acknowledged himself to be the County Executive of County of Lehigh, and that he, as such officer, being duly authorized to do so, executed the foregoing instrument for the purpose therein contained.

Witness my hand and notarial seal the day and year aforesaid.

NOTARY PUBLIC

MY COMMISSION EXPIRES:

I HEREBY CERTIFY that the precise address of the Grantee(s) herein is: Borough of Albutis, 260 Franklin Street, P.O. Box 435, Albutis, Pennsylvania, 18011, 610-966-4777

EXHIBIT "A"

PARCEL 1

TRACT NO. 1:

ALL THAT CERTAIN lot or piece of ground situate in the Borough of Alburdis (formerly Lower Macungie Township), Lehigh County, Pennsylvania, bounded and described as follows, to wit – "The Cemetary Lot":

BEGINNING at a post on line of lands of John Blank , corner of Caroline Hunsberger's lot, thence by same and lands of Charles Lawrence, Patrick Collum, and Sarah Smitt, N. 74° E. twenty-six and five-tenths perches to a post, thence by other lands of the Thomas Iron Company S. 24 ½ ° E. nineteen perches to a post, thence by the same S. 74° W. twenty-seven and four-tenths perches to a post on the line of lands of said John Blank, thence by the same N. 21 ¾ ° W. eighteen and nine-tenths perches to the place of beginning. Containing three acres, twenty-six 6/10 perches strict measure.

BEING KNOWN AS PIN # 546365024770-1

TRACT NO. 2:

ALL THAT CERTAIN lot or piece of ground and the Church building thereon erected in the Borough of Alburdis (formerly Lower Macungie Township), County and State aforesaid, bounded and described as follows, to wit – "The Church Lot":

BEGINNING at an intersection of a public road leading from Millerstown to Lockridge and a public road leading from Hensingersville to Alburdis, thence along said first mentioned road N. 73 ½ ° E. fourteen and eighteen one-hundredths perches to a post, thence by other lands of the Thomas Iron Company S. 43 ¼ ° E. six and three one-hundredths perches to a post; thence by the same S. 47° W. twelve and sixty-five one-hundredths perches to a post on the last abovementioned road, thence by the same N. 43 ¼ ° W. twelve and thirty-five one-hundredths perches to the place of beginning. Containing one hundred and sixteen and two-tenths perches.

BEING KNOWN AS PIN # 546365879007-1

BEING THE SAME PREMISES which Lehigh Valley Trust Division of the Industrial Valley Bank and Trust Company and William B. Butz, Executors of the Estate of Arthur A. Butz, deceased, and William B. Butz by deed dated June 21, 1971 and recorded in the Office of the Recorder of Deeds in and for the Lehigh County at Allentown, Pennsylvania, in Deed Book Volume 1152 Page 550, granted and conveyed unto the County of Lehigh.

PARCEL 2

ALL THAT CERTAIN lot or tract of land located along the northern side of Mountain Road in the Borough of Alburtis, County of Lehigh and Commonwealth of Pennsylvania, being bounded and described as follows, to wit:-

BEGINNING at a concrete monument, set for a corner, in the northern line of Mountain Road (T-468) 33 feet in width and in the eastern line of land of T.L. Reinert, thence along lands of T.L. Reinert, Russell D. Andrews and Raymond Geist, North 23° 25' 48" West 978.44 feet, passing through an Iron Pipe found on line 134.55 feet from the place of beginning, to an Iron Pin, found at a corner, (now replaced by a concrete monument set for a corner) thence along land of Harvey A. Shaner, North 71° 49' 35" East 456.63 feet to a concrete monument, set for a corner, thence along lands of Terry J. Bauer, Thomas M. Capparell and Margaret A. Ebert, South 27° 42' 10" East 231.60 feet to a concrete monument, set for a corner, thence along land of Arthur A. Butz and crossing a proposed road, South 44° 41' 50" West 43.15 to a concrete monument, set for a corner, thence along said proposed road South 45° 44' 10" East 502.27 feet to a concrete monument, set for a corner, thence along the south-easterly line of a proposed street North 44° 15' 50" East 20.00 feet to a concrete monument, set for a corner, thence along land of Milton W. Wood, South 45° 44' 10" East 376.40 feet to a concrete monument, set for a corner, in the northwesterly line of Mountain Road (T-468), thence along Mountain Road (T-468) the four (4) following courses and distances:-

1. South 36°45'40" West 125.92 feet to a concrete monument, set for a corner,
2. By a curve to the right with a radius of 133.50 feet for a distance of 113.00 feet to a concrete monument, set for a corner,
3. South 85° 15' 25" West 568.70 feet to a concrete monument, set for a corner, and
4. By a curve to the left with a radius of 175.00 feet for a distance of 27.68 feet to the place of beginning.

CONTAINING 14.03008 Acres, shown as Tract #1 on a Plan entitled "Alburtis Park and Recreation Area" prepared from a survey by Bascom & Sieger, registered Engineers-Surveyors, Allentown, Pennsylvania, dated May, 1970 Revised December 17, 1970.

BEING KNOWN AS PIN # 546364466525-1

BEING THE SAME PREMISES which William B. Butz, Ober Morning, Jr. and O.C. M. Cecere, Trustees of the William and Alice Butz Memorial Fund by deed dated March 9, 1971 and recorded in the Office of the Recorder of Deeds in and for the Lehigh County at Allentown, Pennsylvania, in Deed Book Volume 1145 Page 902, granted and conveyed one-third interest unto the County of Lehigh. See also Deed Book Volume 1004, page 513, and Deed Book Volume 982, page 81.