

RESOLUTION NO. 2020-_____

**RESOLUTION OF THE BOARD OF SUPERVISORS
OF SOLEBURY TOWNSHIP AUTHORIZING THE ACQUISITION OF A
CONSERVATION EASEMENT ON PARCEL NUMBER 41-018-016-001 COMPRISING
14.931 ACRES IN SOLEBURY TOWNSHIP, BUCKS COUNTY, PENNSYLVANIA**

BACKGROUND

WHEREAS, Pennsylvania Second Class Township Boards of Supervisors are charged with the responsibility to ensure the sound health, safety and welfare of the citizens of the township (Second Class Township Code, 53 P.S. § 65607);

WHEREAS, Pennsylvania Second Class Township Boards of Supervisors are authorized to make and adopt ordinances, bylaws, rules and regulations not inconsistent with or restrained by the Constitution and laws of this Commonwealth necessary for the proper management, care and control of the Township and its finances and the maintenance of peace, good government, health and welfare of the Township and its citizens (Second Class Township Code, 53 P.S. § 66506);

WHEREAS, Section 1502(a) of the Second Class Township Code, 53 P.S. §66502(a), authorizes townships of the Second Class to purchase, acquire by gift or otherwise, hold, lease, let and convey, by sale or lease, any real and personal property it judges to be to the best interest of the Township.

WHEREAS, the Board of Supervisors of Solebury Township has determined that acquiring conservation easements on properties within the Township which possess significant agricultural, natural resources, and/or scenic value is in the best interest of the Township and its residents.

WHEREAS, the Board of Supervisors of Solebury Township has determined that the property identified as Parcel Number 41-018-06-001 located at 3216 Comfort Road in Solebury Township and totaling approximately 14.931 acres (the “Property”) possesses agricultural, natural and scenic resources worthy of protection.

WHEREAS, the owner of the Property is D & H Holdings, LLC (“Owner”), desires to convey to the Township and to the Land Trust of Bucks County a conservation easement on the Property (the “Conservation Easement”), all as more fully set forth herein.

WHEREAS, the Board of Supervisors of Solebury Township has determined that it is in the public interest of the residents of the Township to acquire the Conservation Easement.

WHEREAS, Owner has agreed to convey the Conservation Easement on the Property to the Township for the total sum of One Hundred Fifty-Five Thousand One Hundred Seventy-Two Dollars (\$155,172.00) (the “Purchase Price”) with the remaining value of the Conservation Easement being donated as a gift.

WHEREAS, an appraisal of the value of the Conservation Easement was obtained from Indian Valley Appraisal Company, General Certified Appraisers, which appraisal supports the Purchase Price being paid by the Township for the Conservation Easement.

WHEREAS, the Board of Supervisors, by approval of this Resolution, approves acquisition of the Conservation Easement.

NOW THEREFORE, BE IT RESOLVED by the Board of Supervisors of Solebury Township, Bucks County, Commonwealth of Pennsylvania, as follows:

1. The Township is hereby authorized to acquire the Conservation Easement on the Property;

2. The Township is hereby authorized to pay the sum of One Hundred Thousand Fifty-Five Thousand One Hundred Seventy-Two Dollars (\$155,172.00) for the purchase of the Conservation Easement.

3. Any one of the Supervisors named in paragraph 4 below are hereby authorized to execute on behalf of the Township, upon the advice of the Township Land Preservation Solicitor, all documents reasonably required to effect settlement of the purchase of the Conservation Easement, including but not limited to the following documents:

A. A Grant of Conservation Easement and Declaration of Covenants (“Grant of Conservation Easement”) substantially in the form attached hereto as **Exhibit A**, and any revision or addendum to the Grant of Conservation Easement recommended by the Township Solicitor.

B. An Agreement of Sale for Conservation Easement (“Agreement of Sale”) substantially in the form attached hereto as **Exhibit B**, and any revision or addendum to the Agreement of Sale recommended by the Township Land Preservation Solicitor.

C. A Settlement sheet.

D. A Buyer’s Affidavit as may be required by a reputable title insurance company.

E. Any other documents incidental to or reasonably necessary to affect the purchase of the Conservation Easement.

4. The names of the Supervisors, any one of which is authorized to execute the aforesaid documents, are: Mark Baum Baicker, John S. Francis, Noel Barrett, Robert McEwan and Kevin Morrissey.

5. Additionally, Jean Weiss, the Solebury Township Open Space Administrator, is authorized to execute on behalf of the Township, on the advice of the Township Solicitor, any and all documents required for settlement of the purchase of the Conservation Easement on the Property by the Township.

THIS RESOLUTION has been duly adopted by the Board of Supervisors of Solebury Township at a public meeting held this _____ day of _____, 2020.

SOLEBURY TOWNSHIP
BOARD OF SUPERVISORS

ATTEST:

Date: _____

By: _____
Mark Baum Baicker, Chair

By: _____
John S. Francis, Vice-Chair

By: _____
Noel Barrett

By: _____
Robert McEwan

By: _____
Kevin Morrissey

Exhibit A Conservation Easement

Exhibit B Agreement of Sale