

EAST PENNSBORO TOWNSHIP
BOARD OF COMMISSIONERS
NOVEMBER 28, 2018

Special Meeting

7:00 p.m.

A Special Meeting of the East Pennsboro Township Board of Commissioners was held on Wednesday, November 7 2018, at 7:00 p.m. at the Community and Municipal Center, 98 S. Enola Drive, Enola, Pennsylvania.

Those present were: Commissioners - John Kuntzelman, President; George Tyson, Vice President; Charles Gelb and Kristy Magaro; John Pietropaoli, Township Manager; Lisa M. Coyne, Esquire, Township Solicitor; John B. Owen, Assistant Township Manager; Jared Hockenberry, Township Engineer; Dearan Quigley, Housing & Community Development; Chief Mark Green, Police Department; and Erik Owen, Fire Marshal.

I. CALL TO ORDER

President Kuntzelman called the meeting to order at 7:00 p.m. A moment of silent meditation was observed, followed by the Pledge of Allegiance to the Flag.

Mr. Skip Magaro was absent due to illness.

II. EXECUTIVE SESSION

President Kuntzelman noted for the record the board held Executive Session from 6:15 p.m. to 7:15 p.m. this evening for purposes of personnel.

III. APPROVAL OF MINUTES

MOTION approving the following itemized minutes:

1. Workshop Meeting - October 30, 2018
2. Regular Meeting - November 7, 2018

was made by Mr. Gelb, seconded by Mr. Tyson, and was carried by a unanimous aye vote.

IV. APPROVAL OF REPORTS

MOTION approving the Police Report for October 2018 was made by Mr. Gelb, seconded by Ms. Magaro, and was carried by a unanimous aye vote.

V. BUSINESS FROM THE FLOOR

Mr. James Leonard, Director of the Historical Society of East Pennsboro, read into the minutes a letter submitted to the Township Manager this afternoon from the Historical Society. A copy of the letter is attached to the minutes. Mr. Jim Hertzler, County Commissioner and former Township Commissioner, reviewed the Summerdale project over the years and noted trying to have the right kind of development of the Summerdale property has been a priority of this township for a number of years, but their understanding from the very beginning was that the preservation of the Longsdorf home was a key priority. He stated he does not understand the discussion with respect to trying to move this structure from the location where it has stood for nearly 200 years. He questioned why development with whatever assistance from grants or a potential LERTA could not occur around the house. He believes that should have been a focal point of this project in terms of making sure that the farmhouse could be preserved.

In reviewing materials earlier today, Mr. Hertzler found a letter that the Cumberland County Board of Commissioners wrote on August 28, 2014, regarding the Township's State funding assistance, the multimodal grants, and talks about the background and history of the project and the efforts that were underway and how the economic downturn hindered development of the project. The letter, which is signed by Barb Cross, Gary Eichelberger, and Mr. Hertzler, also said that the project involves a mixed use development of townhomes, at least that was their understanding back in 2014, a potential hotel, retail, commercial and recreational facilities, as well as the preservation

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of the historic Longsdorf home, the birthplace in 1884 of Enola Miller, whose first name was chosen to name the Pennsylvania Railroad flag station at the time and later adopted as the name of the local Post Office and surrounding town. It further noted this beautiful historic farmhouse is being eyed as a potential visitor center at the entrance of the Cumberland Valley and for the potential future siting of the East Pennsboro Historical Society to promote the town's rich railroad and historical heritage to residents and tourists alike. (A copy of the letter is attached to the record.)

He asked that the board keep in mind during their deliberations the fact that preservation of the house was considered part of the project at the county level as late as 2014, as well as the details outlined in the letter submitted tonight from the board of directors of the East Pennsboro Historical Society.

Mr. George DeMartyn addressed the board concerning the Memorandum of Understanding with the Cumberland County Industrial Development Authority and East Pennsboro Township to purchase the property. The Memorandum of Understanding indicated the deed was supposed to be in the name of East Pennsboro Township and Cumberland County. However, the deed is presently in the name of Cumberland County Industrial Authority, but on the memorandum it specifically says East Pennsboro Township and Cumberland County. It outlines all the parameters, from 2007, as to how the project got started. It is signed by Mr. DeMartyn, Bob Gill, and people from the county in 2007. He further noted that 2007 is the same time that 200 First Street Associates bought the house off of Mr. Steele.

From that point on, there were three priorities, but one of the main priorities was to save the house. He noted the township worked with 200 First Street Associates and Sil Lutkewitte to save the house, and on September 1, 2010, almost a year after he left the board, a motion was passed to have a land

swap agreement between Cumberland County, East Pennsboro, and 200 First Street Associates. While they believed they had the house saved, a whole new board came in in 2010 the Commissioners were Mr. Dardick, Mr. Melnick, Mr. Hall, Mr. Hertzler, and Mr. Fry. Mr. Henry Coyne, who had been the Township Solicitor for 34 years, was replaced by a new Solicitor in 2010.

The three new Commissioners were not in agreement as to whether saving the Longsdorf house was a priority. Those involved with the project believed they were on the verge of making sure the house was protected and they circulated a petition of 600 to 700 signatures which was submitted to the Board of Commissioners on September 1, 2010. At that time the board approved a motion to go into a land swap agreement with 200 First Street Associates for 2 1/2 acres of prime land behind his property and 1 acre and the house to go to Cumberland County and East Pennsboro Township.

Mr. DeMartyn produced a copy of those deeds, which have been signed, notarized, and are executed deeds, but not recorded at the courthouse. He has consulted with two attorneys and he believes as of now the house and 1 acre are actually owned by East Pennsboro and Cumberland County. The Historical Society is asking to have those deeds recorded. He was told because they are they are not recorded does not mean they are not official, and that is the basis that he believes the township and the county own the house. He asked the board to have those deeds recorded and transfer the possession of the house and 1 acre to the Historic Society for preservation. (A copy of the signed deeds was presented to each board member and is attached to the minutes.)

Ms. Barb Gertzen, 835 Magaro Road, requested an update on the motion made this summer regarding developing and establishing historical overlays. Mr. Quigley stated the Planning Commission is still

looking into it. He noted the sign ordinance took over a year to complete, and this endeavor could take some time to complete as well. Ms. Gertzen also inquired as to leaf collection, noting leaves have been sitting on her street since Thanksgiving weekend. Mr. Hockenberry noted leaf pickup has been difficult this year because the leaf truck they have been using is their safest and most efficient vehicle, but the bearings went out on it. They have been a day or two behind each week and have had to go back and retrofit the trucks that were used for snow removal a week ago to remove the plows and salt spreaders and start with leaf pickup again. He stated crews will pick up leaves until they no longer can, before and after the timeframe noted in the newsletter and on the Web site, so there will not be an end date.

Mr. Tyson noted to the credit of staff, the township received a \$11,000 grant that will be used for the purchase of a second leaf truck, so hopefully next year the new truck and a backup reserve can be used to be more efficient. Ms. Gertzen suggested a message to that effect be noted on the Web site. Mr. Pietropaoli agreed and will post a note, but crews are working overtime this week and they worked last Saturday and Sunday when the weather permitted. Mr. Hockenberry noted crews have been working the last two weekends, including the holiday weekend. Even after the 9 inches of snow they plowed as soon as possible.

Mr. DeMartyn asked if there is any time period the board could provide regarding their request for recording the deed and retransferring the property. President Kuntzelman noted it will depend on what the board does tonight. Mr. Gelb asked if there was agreement that the house is on land deeded to the county and the township. Mr. Pietropaoli stated they would have to review the deeds and documentation. The minutes mention it will go into the county's name. Mr. DeMartyn noted the deed for the property was supposed to be in the township's name and the county's name, but it is only in the county's name.

Mr. Pietropaoli noted between now and the next meeting staff and the Solicitor will review all pertinent documents. He noted he never had copies of the deeds that were in escrow as they were not transferred over from the previous Solicitor. Mr. Gelb asked if the Memorandum of Understanding is binding as original intent to record the deed. Ms. Coyne stated she has not reviewed the 2007 MOU, which is now 11 years old. She would need to review all relevant documents to see if there was any modification of the MOU or side agreements. She further noted the minutes from the IDA indicate there is an agreement with regard to holding the deeds in escrow, which is not an unusual event. Whether or not the actual recording is a matter of just putting the world on notice, the signing of a deed is a transfer of ownership, but she is not in a position of saying this is what should have been done.

Mr. Pietropaoli noted staff and the Solicitor will review the minutes and related paperwork. Mr. Hertzler admitted it is extremely confusing, there was prior agreement that saving the house was a priority and the original intent all along. The LERTA proposal envisions the Longsdorf home as being part of the LERTA, and if there is a signed deed that says it is owned by the county and the township, he does not know if it can be part of the LERTA. He noted the matter needs to be cleared up. Whether or not the deed has been recorded, there is no other deed and Mr. Lutkewitte agreed to it and signed it. He was the owner of the home.

Mr. DeMartyn noted the agreement between East Pennsboro Township, Cumberland County Redevelopment Authority and 200 First Street Associates agreeing to exchange land in the Summerdale parcel between the two entities and 200 First Street Associates. The Memorandum of Understanding states the township is supposed to be on the deeds of all these properties with 50/50 ownership of the land and also the costs. He suggested the county cannot put all the costs on

the township because they also have a responsibility for 50 percent of the costs. If any proceeds are left from the sale, they would be distributed 75 percent to the township, 25 percent to the county, after costs. For the deeds to be executed in March 2011 means this motion had to be approved and there had to be an agreement. It mentions an agreement of August 11, to execute the agreement of August 11. They do not have document of that August 11 agreement.

Ms. Coyne noted March 2011 is when the deeds are dated, so the agreement of August 11 would be 2010. Mr. DeMartyn stated there had to be an agreement, there was a motion to approve the agreement or they would have never drawn up the deeds. If the agreement says that the land swap should have taken place and they did not record the deeds, they are at fault for not recording the deeds. They are in violation of the agreement of 2010 if they did not record the deeds. The deeds are executed and good deeds. He suggested as of tonight, the township owns the house and 1 acre ground; 200 First Street Associates owns about 3.6 acres, which is 2 1/2 acres that were swapped for the house and 1 acre.

Mr. Pietropaoli noted a motion was made on August 4, 2010, directing township staff to work with Cumberland County Industrial Development Authority to come up with a written agreement to save the Longsdorf property that the Board of Commissioners could vote on at later date. Staff and the Solicitor will review all pertinent documentation for the next meeting.

VI. ITEMS FOR DISCUSSION AND APPROVAL

MOTION authorizing payment of invoices and payroll pending review and signatures of Commissioners, was made by Mr. Tyson, seconded by Ms. Magaro, and was carried by a unanimous aye vote.

MOTION to approve the 2019 wage rates for the nonuniform/nonTeamster employees, as amended, was made by Ms. Magaro, seconded by Mr. Tyson, and was carried by a unanimous aye vote.

MOTION to publish the proposed 2019 township budget for public review and direct the Township Solicitor to advertise the 2019 proposed budget for final action by the board at the December 20, 2018, meeting of the Board of Commissioners, was made by Mr. Tyson, seconded by Ms. Magaro, and was carried by a unanimous aye vote.

MOTION to direct the Township Solicitor to advertise the change of the regularly scheduled meeting from 7:00 p.m. December 19 to 7:00 p.m. December 20, and the first meeting for 2019 for January 9, 2019, at 7:00 p.m., was made by Ms. Magaro, seconded by Mr. Tyson, and was carried by a unanimous aye vote.

MOTION to direct the Township Solicitor to advertise a public hearing for the Zoning Text Amendment Ordinance (Ordinance 802-2018) regarding the Commercial Park Limited Zoning District for December 20, 2018, at 7:00 p.m., and advertise notice of possible enactment of that ordinance at the Board of Commissioners' meeting on December 20, 2018, was made by Ms. Magaro, seconded by Mr. Tyson, and was carried by a unanimous aye vote.

MOTION to authorize the release of the entire cash escrow in an amount of \$14,014.00 for Dakemich Court Minor Subdivision, was made by Mr. Tyson, seconded by Mr. Gelb, and was carried by a unanimous aye vote.

Mr. Hockenberry noted the work had been completed and the township was satisfied with the work.

MOTION to authorize the reduction and amendment of the Irrevocable Standby Letter of Credit No. 2016 by Fulton Bank to an amount of \$74,662.61 for a maintenance period on the dedicated rights-of-way for Europeana Circle, Marina Drive, and Windswept Way, expiring May 28, 2020, was made by Mr. Tyson, seconded by Ms. Magaro, and was carried by a unanimous aye vote.

Mr. Hockenberry noted the work had been done and the maintenance period starts. They wanted to amend the letter of credit to go from performance to maintenance.

Mr. Pietropaoli noted the township is applying for a senior citizen grant which will require the township to provide a location for the senior center at the township building for 10 years. The main part of the application is to cover the patio out to the side where people enter for elections.

EPYAL Football Peewee and Pony teams won their championship games and will be invited to the January 16 meeting to receive recognition and congratulations.

Christmas tree lighting is scheduled for December 5, 2018, at 7:00 p.m.

MOTION to adjourn the meeting at 8:08 p.m., was made by Ms. Magaro, seconded by Mr. Tyson, and was carried by a unanimous aye vote.

The Historical Society of East Pennsboro

PO Box 195, Enola Pa., 17025-0195

717-732-5801 www.ephistory.org

East Pennsboro Township
ATTN: Board of Commissioners
98 South Enola Drive
Enola, Pa. 17025

SUBJECT: Saving the Longsdorf House

Dear Commissioners,

We are writing to respectfully request that every effort be taken to preserve the historic Miller/Longsdorf house in its present location.

While it is true that you have in your possession an earlier letter from HSEP acknowledging that it was our previous understanding that the Miller/Longsdorf house could not be saved, it is now abundantly clear that we were misled.

The more recent discussion that the Miller/Longsdorf house can be moved to another location is an admission that this historic structure can be saved.

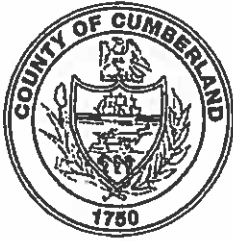
In light of that new understanding, the Board of Directors of HSEP, as discussed at our most recent meeting of November 13, 2018, amends its previous communication to request that the Miller/Longsdorf house be preserved at its near two-century-old current location, and be transferred to the possession of HSEP for future use in commemorating the proud history and heritage of our community.

Sincerely Yours


James L. Leonard
Executive Director



Al Bruner
Board President



COMMISSIONERS OF CUMBERLAND COUNTY

Barbara B. Cross
Chairman

Jim Hertzler
Vice Chairman

Gary Eichelberger
Secretary

August 28, 2014

Honorable C. Alan Walker, Secretary
PA Department of Community and Economic Development
Commonwealth Keystone Building
400 North Street, 4th Floor
Harrisburg, PA 17120-0225

RE: Multimodal Transportation Fund
WEB Application ID: 8053401 / Single Application ID: 201406201202

Dear Secretary Walker:

Please allow us this opportunity to share our unanimous support for our county Industrial Development Authority's application for Commonwealth Financing Authority (CFA) Multimodal Transportation Funding for infrastructure improvements to help facilitate an important economic development project near the intersection of I-81 and Routes 11 & 15 in East Pennsboro Township.

As way of background, the 49.8 acre "Summerdale property" was previously owned by the Commonwealth for over 100 years and was used as the site of the Department of Agriculture's animal diagnostic laboratory. Plans were advanced during the administration of former Governor Tom Ridge to consolidate all of the state's laboratory facilities at the Summerdale site, but, those plans were later abandoned and the property has been vacant ever since. Subsequently, in an effort to promote the economic development of this prime parcel at the eastern gateway to our county and to place it on the tax rolls, the property was acquired at fair market value from the state via a joint agreement between the Cumberland County Industrial Development Authority (CCIDA) and East Pennsboro Township.

Although an extremely attractive location to developers and end-use private sector interests, with over 20,000 cars passing the property daily, the economic downturn coupled with the cost of necessary transportation infrastructure improvements in the immediate vicinity of the property have, to date, hindered development.

The state's approval of CCIDA's request for multimodal transportation funding is important to help provide the resources for necessary local roadway improvements, pedestrian, bicycle and streetscape improvements, and traffic signalization to safely handle the expected influx in traffic to the site once it is fully developed.

Among other aspects, the project envisions a mixed use development of townhomes, a potential hotel, retail, commercial and recreational facilities, as well as the preservation of the historically significant Longsdorf Home, the birthplace, in 1884, of Enola Miller— whose first name was chosen to name the Pennsylvania Railroad's flag station at the time and later adopted as the name of the local post office and the surrounding town. This beautiful, historic farmhouse which dates back at least 200 years is being eyed as a potential visitors' center at the entrance to the Cumberland Valley and/or for the potential, future siting of the local East Pennsboro Historical Society to promote the town's rich railroad and historical heritage to residents and tourists alike.

In addition to placing this property on the tax rolls, current development plans project the creation of more than 500 temporary jobs and \$24.2 million in compensation during the construction phase of the project. Once complete, the project is expected to result in the creation of 118 new, permanent jobs, and 64 spin off jobs, totaling nearly \$5.97 million in annual compensation while boosting state and local tax revenues by \$803,000 annually.

Again, this is an important project to boost economic development and job creation in our county. As such, we respectfully request the CFA's approval of our county Industrial Development Authority's request for funding support for this project from the Multi-Modal Transportation Fund.


Thank you for your consideration of this request.

Sincerely,

CUMBERLAND COUNTY BOARD OF COMMISSIONERS


Barbara B. Cross


Jim Hertzler


Gary Eichelberger

CC: Honorable Patricia H. Vance
Honorable Glen R. Grell
John Kuntzelman, President, East Pennsboro Twp.

Prepared by and Return to:

Bradley A. Walker, Esq.
Buchanan Ingersoll & Rooney, PC
213 Market St., 3rd Fl.
Harrisburg, PA 17101
717-237-4828

Parcel ID # 09-11-3004-076

This Deed, made the 30th day of March, 2011,

Between

CUMBERLAND COUNTY INDUSTRIAL DEVELOPMENT AUTHORITY

(hereinafter called the Grantor), of the one part, and

200 FIRST STREET ASSOCIATES, LLC,

(hereinafter called the Grantee), of the other part,

WHEREAS, Grantor is conveying to Grantee the 2.500 acre portion of Tax Parcel 09-11-3004-076 described herein in connection with that plan entitled "Final Subdivision and Consolidation Plan, Lands of Commonwealth of Pennsylvania and 200 First Street Associates, LLC" dated February 9, 2011, and recorded in the Cumberland County Recorder of Deeds on March 14, 2011 as Instrument No. 201108233 (the "Plan").

WHEREAS, also in connection with the Plan, and in consideration for the property described herein, Grantee, by separate Deed, is conveying to Grantor a 1.000 acre portion of Tax Parcel 09-12-2995-102.

WHEREAS, the parties intend that upon the completion of the conveyances described above, Grantor will own Lots #2 and #4 as shown on the Plan, and Grantee will own Lot #5 as shown on the Plan.

Witnesseth, that the said Grantor for and in consideration of the sum of One and 00/100 Dollars (\$1.00) lawful money of the United States of America, unto it well and truly paid by the said Grantee, at or before the sealing and delivery hereof, the receipt whereof is hereby acknowledged, has granted, bargained and sold, released and confirmed, and by these presents does grant, bargain and sell, release and confirm unto the said Grantee,

ALL THAT CERTAIN tract or parcel of land situated in East Pennsboro Township, Cumberland County, Pennsylvania, containing 108,897 square feet or 2.500 acres and more particularly bounded and described as follows:

Commencing at an iron pin found on the westerly line of North Enola Road (U.S. Routes 11 & 15, S.R. 0011), said point being at a southerly corner of land now or formerly Commonwealth of Pennsylvania and the southeasterly corner of land now or formerly 200 First Street Associates, LLC;

COPY

Thence running along said lands of Commonwealth of Pennsylvania and 200 First Street Associates, LLC North 40°-32'-58" West a distance of 55.86 feet to an iron pin found and the true point and place of beginning;

Thence running through said land of 200 First Street Associates, LLC South 52°-00'-15" West a distance of 254.11 feet to a point; along a non-tangent curve to the left having a radius of 570.66 feet, an arc length of 67.46 feet and a chord bearing of South 55°-26'-58" West a distance of 67.42 feet to a point;

Thence running along said land of Commonwealth of Pennsylvania North 30°-10'-34" West a distance of 60.93 feet to a point; North 40°-31'-08" West a distance of 279.00 feet to a point; North 49°-27'-02" East a distance of 309.98 feet to a point; South 40°-31'-08" East a distance of 357.30 feet to the point and place of beginning.

UNDER AND SUBJECT TO that plan entitled "Final Subdivision and Consolidation Plan, Lands of Commonwealth of Pennsylvania and 200 First Street Associates, LLC" dated February 9, 2011, and recorded in the Cumberland County Recorder of Deeds on March 14, 2011 as Instrument No. 201108233, and all other covenants, conditions, restrictions, rights-of-way, easements and agreements of record in the aforesaid Office of Recorder of Deeds, and to matters which a physical inspection or survey of the property would disclose.

BEING part of the same premises which the Commonwealth of Pennsylvania, acting by and through the Department of General Services, by Deed dated _____ and recorded _____ in the Office of Recorder of Deeds for Cumberland County as Instrument No. _____, granted and conveyed unto Cumberland County Industrial Development Authority, Grantor herein.

To have and to hold the said lot or piece of ground described above, with the buildings and improvements thereon erected, 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, for itself, its successors and assigns, does, by these presents, covenant, grant and agree, to and with the said Grantee, its successors and assigns, that it, the said Grantor, and its successors and assigns, all and singular the hereditaments and premises herein described and granted, or mentioned and intended so to be, with the appurtenances, unto the said Grantee, its successors and assigns, against it, the said Grantor, and its successors and assigns, will specially warrant and defend against the lawful claims of all persons claiming by, through or under the said Grantor but not otherwise.

In Witness Whereof, Grantor has caused this Deed to be executed the day and year first above written.

WITNESS:

CUMBERLAND COUNTY INDUSTRIAL DEVELOPMENT AUTHORITY

[Signature]

By: [Signature]
Name: Kenneth Tuckey
Title: Chairman

Commonwealth of Pennsylvania } ss
County of

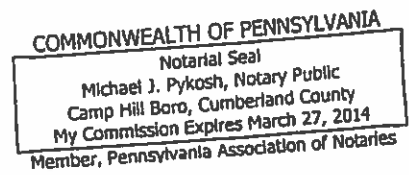
AND NOW, this 30th day of March, 2011, before me, the undersigned Notary Public, appeared Kenneth Tuckey, who acknowledged himself to be Chairman of CUMBERLAND COUNTY INDUSTRIAL DEVELOPMENT AUTHORITY, a Pennsylvania industrial development authority, and he, as such officer, being authorized to do so, executed the foregoing instrument for the purposes therein contained by signing the name of the Cumberland County Industrial Development Authority by himself as such officer.

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

[Signature]
Notary Public
My commission expires _____

The precise residence and the complete post office address of the above-named Grantees is:

[Signature]
On behalf of the Grantee



Prepared by and Return to:

Bradley A. Walker, Esq.
Buchanan Ingersoll & Rooney, PC
213 Market St., 3rd Fl.
Harrisburg, PA 17101
717-237-4828

Parcel ID # 09-12-2995-102

This Deed, made the 30th day of March, 2011,

Between

200 FIRST STREET ASSOCIATES, LLC

(hereinafter called the Grantor), of the one part, and

CUMBERLAND COUNTY INDUSTRIAL DEVELOPMENT AUTHORITY,

(hereinafter called the Grantee), of the other part,

WHEREAS, Grantor is conveying to Grantee the 1.000 acre portion of Tax Parcel 09-12-2995-102 described herein in connection with that plan entitled "Final Subdivision and Consolidation Plan, Lands of Commonwealth of Pennsylvania and 200 First Street Associates, LLC" dated February 9, 2011, and recorded in the Cumberland County Recorder of Deeds on March 14, 2011 as Instrument No. 201108233 (the "Plan").

WHEREAS, also in connection with the Plan, and in consideration for the property described herein, Grantee, by separate Deed, is conveying to Grantor a 2.500 acre portion of Tax Parcel 09-11-3004-076.

WHEREAS, the parties intend that upon the completion of the conveyances described above, Grantor will own Lot #5 as shown on the Plan, and Grantee will own Lots #2 and #4 as shown on the Plan.

Witnesseth, that the said Grantor for and in consideration of the sum of One and 00/100 Dollars (\$1.00) lawful money of the United States of America, unto it well and truly paid by the said Grantee, at or before the sealing and delivery hereof, the receipt whereof is hereby acknowledged, has granted, bargained and sold, released and confirmed, and by these presents does grant, bargain and sell, release and confirm unto the said Grantee,

ALL THAT CERTAIN tract or parcel of land situated in East Pennsboro Township, Cumberland County, Pennsylvania, containing 43,564 square feet or 1.000 acres and more particularly bounded and described as follows:

Beginning at a point on the northwesterly line of Valley Street, said point being at the southwesterly corner of land now or formerly 200 First Street Associates, LLC and the southeasterly corner of the herein described parcel;

COPY

Thence running along the northwesterly line of Valley Street South 52°-15'-34" West a distance of 122.38 feet to a point;

Thence running along the northeasterly line of 1st Street (S.R. 1019) North 69°-44'-52" West a distance of 152.91 feet to a point; North 46°-23'-37" West a distance of 128.14 feet to a point;

Thence running along land now or formerly Commonwealth of Pennsylvania North 37°-16'-12" East a distance of 25.93 feet to a point; along a non-tangent curve to the left having a radius of 570.66 feet, an arc length of 236.51 feet and a chord bearing of North 67°-19'-16" East a distance of 234.82 feet to a point;

Thence running along said land of 200 First Street Associates, LLC South 30°-10'-34" East a distance of 190.41 feet to the point and place of beginning.

UNDER AND SUBJECT TO that plan entitled "Final Subdivision and Consolidation Plan, Lands of Commonwealth of Pennsylvania and 200 First Street Associates, LLC" dated February 9, 2011, and recorded in the Cumberland County Recorder of Deeds on March 14, 2011 as Instrument No. 201108233, and all other covenants, conditions, restrictions, rights-of-way, easements and agreements of record in the aforesaid Office of Recorder of Deeds, and to matters which a physical inspection or survey of the property would disclose.

BEING part of the same premises which _____, by Deed dated _____ and recorded _____ in the Office of Recorder of Deeds for Cumberland County as Instrument No. 200731726, granted and conveyed unto 200 First Street Associates, LLC, Grantor herein.

To have and to hold the said lot or piece of ground described above, with the buildings and improvements thereon erected, 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, for itself, its successors and assigns, does, by these presents, covenant, grant and agree, to and with the said Grantee, its successors and assigns, that it, the said Grantor, and its successors and assigns, all and singular the hereditaments and premises herein described and granted, or mentioned and intended so to be, with the appurtenances, unto the said Grantee, its successors and assigns, against it, the said Grantor, and its successors and assigns, will specially warrant and defend against the lawful claims of all persons claiming by, through or under the said Grantor but not otherwise.

In Witness Whereof, Grantor has caused this Deed to be executed the day and year first above written.

WITNESS:

200 FIRST STREET ASSOCIATES, LLC

By: _____

Name: _____

Title: _____

Commonwealth of Pennsylvania } ss
County of

AND NOW, this 3rd day of March, 2011, before me, the undersigned Notary Public, appeared Greg B. Winters, who acknowledged himself to be Member of **200 FIRST STREET ASSOCIATES, LLC**, a limited liability company, and he, as such officer, being authorized to do so, executed the foregoing instrument for the purposes therein contained by signing the name of the Company by himself as such officer.

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

Genevieve A. Harkins
Notary Public
My commission expires 6-30-12

The precise residence and the complete post office address of the above-named Grantees is:

DAVE WINTERS
On behalf of the Grantee

COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Genevieve A. Harkins, Notary Public
City of Harrisburg, Dauphin County
My Commission Expires June 30, 2012
Member, Pennsylvania Association of Notaries