

RESOLUTION NO.   1  -2022

**A RESOLUTION OF THE BOROUGH OF NEW FLORENCE, COUNTY  
OF WESTMORELAND AND COMMONWEALTH OF PENNSYLVANIA  
AUTHORIZING THE SALE OF REAL PROPERTY**

**WHEREAS**, New Florence Borough owns an improved parcel of land generally known as the Yellow Brick School Building, fronting on Ligonier Street in New Florence Borough, and more particularly identified as Tax Map No. 23-01-11-0-048; and

**WHEREAS**, the Borough Code, pursuant to Section 1201.1 is authorized to sell real property of the Borough; and

**WHEREAS**, the Borough desires to sell the said property to the New Florence Volunteer Fire Company No. 1, a Pennsylvania non-profit corporation;


**NOW, THEREFORE**, the Council of New Florence Borough hereby authorizes the sale of the said real property being Tax Map No. 23-01-11-0-048, and directs as follows:

1. The Borough shall execute a deed in the form set forth as Exhibit "A" to this Resolution.
2. The Borough authorizes the President of Council to execute the said deed and any attending documents to accomplish the authorization of this Resolution.


**RESOLVED**, this fifteenth day of February, 2022

NEW FLORENCE BOROUGH

By:

  
JAMES MOORE, President

ATTEST:

  
CHERYL PRIEST, Secretary

# EXHIBIT

## A

# This Indenture

~~MADE~~ the \_\_\_\_ day of \_\_\_\_\_, 2022,

~~Between~~, **BOROUGH OF NEW FLORENCE, a/k/a NEW FLORENCE BOROUGH**,  
a Municipal Corporation of Westmoreland County, Pennsylvania, organized and existing  
under the Laws of the Commonwealth of Pennsylvania,

hereinafter called 'Grantor'

- AND -

**NEW FLORENCE VOLUNTEER FIRE COMPANY NO. 1**, a Pennsylvania Nonprofit  
Corporation, located in New Florence, Pennsylvania,

hereinafter called 'Grantee'

~~Witnesseth~~, that the said Grantor in consideration of One and 00/100 (\$1.00) Dollar,  
paid to the Grantor by the Grantee, receipt of which is hereby acknowledged, does grant  
bargain, sell, and convey unto the said Grantee, its successors and assigns:

~~All~~ those certain tracts of land situate in New Florence Borough, Westmoreland  
County, Pennsylvania, being Block 1 and 1/2 portions to the center of Seventh Street and  
Penn Street in the Plan of Lots of the Borough of New Florence, bounded and described  
as follows:

**DESCRIPTION:** Tax Parcel Number 23-01-11-0-048. Having dimensions of 185 feet  
by 135 feet. See Exhibit A for legal description.

**HAVING** Westmoreland County Tax Parcel Number 23-01-11-0-048.

**TOGETHER** with all improvements located thereon.

**BEING** A portion of the same tract of land conveyed to the Borough of New Florence,  
by Deed of Ligonier Valley School District, dated March 17, 1994, and recorded on  
March 21, 1994, in the Office of the Recorder of Deeds of Westmoreland County in Deed  
Book Volume 3237, Page 200.

This is a transaction between a Municipal Corporation and a Pennsylvania Nonprofit  
Corporation, therefore, said transaction is exempt from real estate transfer taxes  
pursuant to Title 72 P.S., Section 8102-C.3.(23)(i).

**THIS TRANSACTION IS SUBJECT TO A Reverter** – Reversion of Property Rights  
to the Borough that shall revert to the Borough upon the property and shall not be used  
for the purposes of the Volunteer Fire Company. As per Pennsylvania statute Title 8 P.S.  
1201. 3(c).

**THE TRUE AND ACTUAL** consideration is One and 00/100 (\$1.00) Dollar.

with the appurtenances: **TO HAVE AND TO HOLD** the same to and for the use of the said Grantee, its successors and assigns forever, and the Grantor for its successors and assigns, hereby covenant and agree that it will **WARRANT SPECIALLY** the property hereby conveyed.

**NOTICE - THIS DOCUMENT MAY NOT/DOES 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/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 in the manner provided in Section 1 of the Act of July 17, 1957, P. L. 984, as amended, and is not intended as Notice of unrecorded instruments, if any.]**

This Deed is made under and by virtue of a Resolution of the Borough Council duly passed by ordinance at a regular meeting thereof, held on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_, a full quorum being present, authorizing and directing the same to be done.

{Corporate Seal}

**In Witness Whereof**, the said Grantor has caused its common and corporate seal to be affixed to these presents by the hand of its President, and the same to be duly attested by its Secretary.

Dated the day and year first above written.

ATTEST:

BOROUGH OF NEW FLORENCE

\_\_\_\_\_  
Secretary

By: \_\_\_\_\_  
President

NOTICE THE UNDERSIGNED, AS EVIDENCED BY THE SIGNATURE(S) TO THIS NOTICE AND THE ACCEPTANCE AND RECORDING OF THIS DEED, (IS, ARE) FULLY COGNIZANT OF THE FACT THAT THE UNDERSIGNED MAY NOT BE OBTAINING THE RIGHT OF PROTECTION AGAINST SUBSIDENCE. AS TO THE PROPERTY HEREIN CONVEYED, RESULTING FROM COAL MINING OPERATIONS AND THAT THE PURCHASED PROPERTY, HEREIN CONVEYED, MAY BE PROTECTED FROM DAMAGE DUE TO MINE SUBSIDENCE BY A PRIVATE CONTRACT WITH THE OWNERS OF THE ECONOMIC INTEREST IN THE COAL. THIS NOTICE IS INSERTED HEREIN TO COMPLY WITH THE BITUMINOUS MINE SUBSIDENCE AND LAND CONSERVATION ACT OF 1966, AS AMENDED 1980, OCT. 10, P.L. 874, NO. 156 §1.

WITNESS:

NEW FLORENCE VOLUNTEER FIRE  
COMPANY NO. 1

\_\_\_\_\_

By: \_\_\_\_\_  
(Name Printed) \_\_\_\_\_  
Title: \_\_\_\_\_

[illegible]

On this, the \_\_\_\_ day of \_\_\_\_\_, A.D. 202\_\_, before me, a Notary Public, the undersigned officer, personally appeared \_\_\_\_\_, who acknowledged himself/herself to be the \_\_\_\_\_ of BOROUGH OF NEW FLORENCE, a Pennsylvania Municipal Corporation, and that he/she as such \_\_\_\_\_, being authorized to do so, executed the foregoing instrument for the purposes therein contained by signing the name of the corporation himself/herself as \_\_\_\_\_.

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

**Notary Public**

**My Commission Expires:**

## CERTIFICATE OF RESIDENCE

I hereby certify that the precise residence of the Grantee herein is 177 13th Street, New Florence, Pennsylvania 15944.

MEARS, SMITH, HOUSER  
& BOYLE, P.C.

By: Kim Ross Houser, Esquire