

# APPROVED

First Reading: 05/09/12

Passed 8-0: 05/23/12

**COUNTY OF LEHIGH, PENNSYLVANIA  
COMMISSIONERS BILL 2012-16  
SPONSORED BY COMMISSIONER SCHELLER  
REQUESTED DATE: MAY 2, 2012  
ORDINANCE NO. 2012-115**

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**APPROVING THE TRANSFER OF REAL ESTATE TO THE  
TOWNSHIP OF WHITEHALL FOR THE EXPANSION OF THE  
JORDAN CREEK GREENWAY PROJECT**

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**WHEREAS**, the County of Lehigh (County) owns approximately 5.804 acres of land within Jordan Creek Park, located on the East side of Mickley Road, in the Township of Whitehall, further identified as PIN 549860274514-1; and

**WHEREAS**, the Township of Whitehall has approached the County with an interest in this acreage for the purpose of extending the Jordan Creek Greenway Project; and

**WHEREAS**, the County is not in need of this property and desires to sell the property to the Township of Whitehall for open space and park purposes; and

**WHEREAS**, the County has negotiated a Quit Claim Deed with the Township of Whitehall, attached hereto as "Exhibit A", to transfer the 5.804 acre parcel of land in the Township of Whitehall; and

**WHEREAS**, the limitations on the use of the property are set forth in the proposed Quit Claim Deed; and

**WHEREAS**, Section 310(a)(6) of the Home Rule Charter requires ordinance approval for the conveyance of County property.

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

1. The foregoing WHEREAS clauses are incorporated herein as if set forth in their entirety.
2. The conveyance of the parcel of land to the Township of Whitehall as described in "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 transfer 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 offices 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 Any Ordinance or part of any Ordinance conflicting with the provisions of this Ordinance is hereby repealed insofar as the same affects this Ordinance.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 23rd day of May, 2012, by the following vote:

**Commissioners**

**AYE**

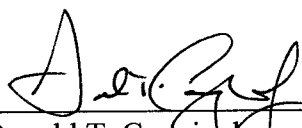
**NAY**

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

ATTEST:

  
Clerk to the Board of Commissioners

APPROVED this 30th day of May, 2012.

  
Donald T. Cunningham, Jr.  
Lehigh County Executive

ENACTED this 30th day of May, 2012.

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

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

5.804 acres, Mickley Road, Whitehall Township, Lehigh County, Pennsylvania  
PIN: 549860274514-1

### QUIT CLAIM DEED

**THIS INDENTURE** made the            day of            in the year Two Thousand Twelve  
(2012)

#### BETWEEN

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

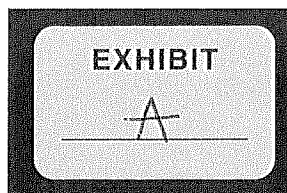
#### AND

**TOWNSHIP OF WHITEHALL**, a township of the first class, with offices located at 3219  
MacArthur Road, Whitehall, Pennsylvania, 18052, 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 parcel of land located within the Jordan Creek Park, on the East side of  
Mickley Road, in the Township of Whitehall, County of Lehigh, consisting of approximately  
5.804 acres more or less, and further identified as PIN 549860274514-1 and as located on the tax  
map attached as Exhibit "A."

BEING A PART OF THE SAME PREMISES which was acquired by County of Lehigh for  
recreation, conservation, open space and park purposes pursuant to a Declaration of Taking filed  
February 26, 1971 to 348 April Term, 1971, said Notice of Filing Declaration of Taking recorded  
in the Office of the Recorder of Deeds for Lehigh County, Pennsylvania in Volume 353, page  
897.



THE USE OF THIS PROPERTY SHALL BE RESTRICTED TO RECREATION,  
CONSERVATION, OPEN SPACE AND PARK PURPOSES ONLY.

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.

**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: \_\_\_\_\_  
Donald T. Cunningham, Jr.  
County Executive

COMMONWEALTH OF PENNSYLVANIA )  
 ) SS:  
COUNTY OF LEHIGH )

I hereby certify that on this       day of                      , 2012, before me, the subscriber, a Notary Public in and for said State and County, personally appeared Donald T. Cunningham, Jr., 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: 3219 MacArthur Road, Whitehall, Pennsylvania, 18052

549860274514-1  
County of Lehigh  
5.804 AC.  
Deed: Misc. 0353-0897

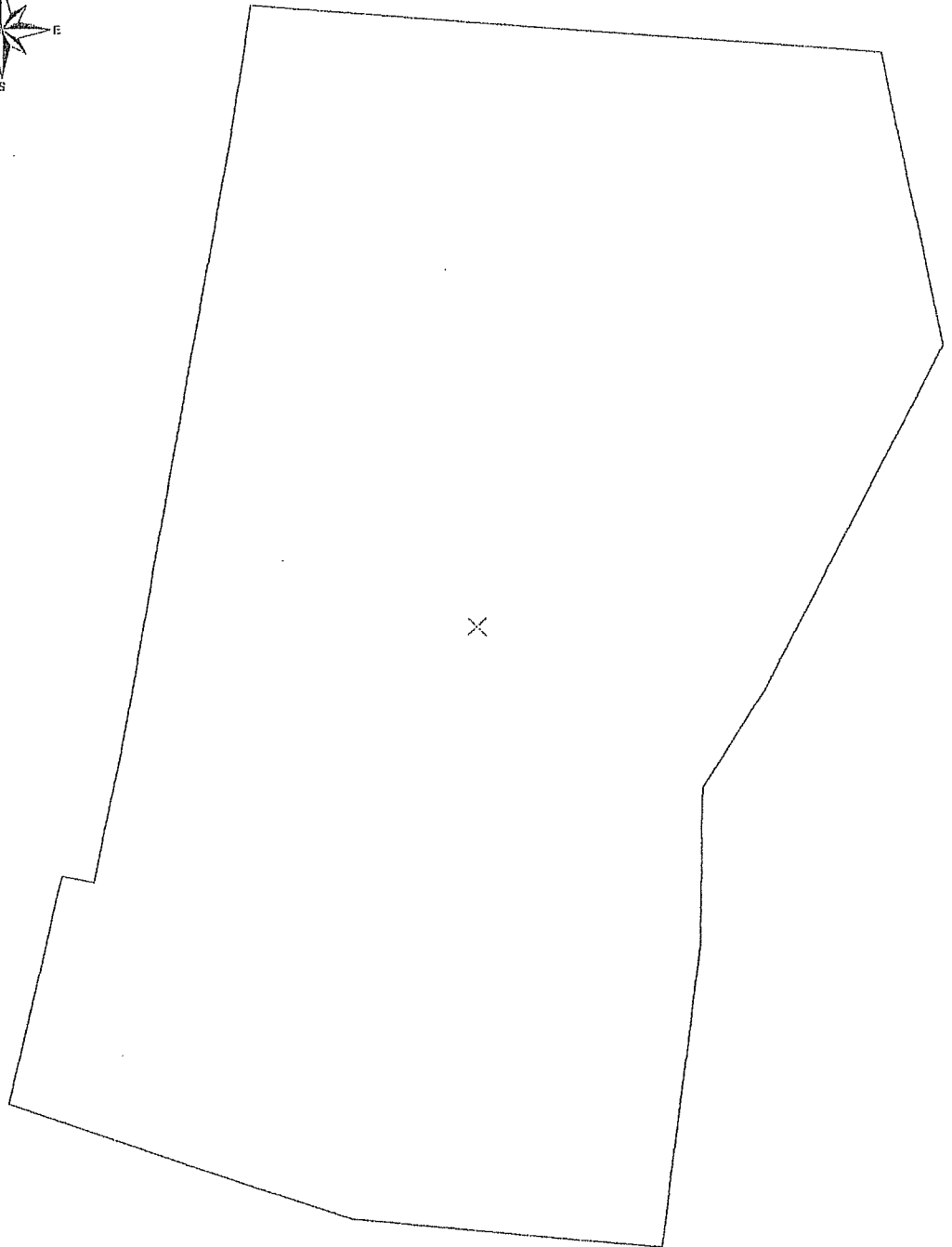
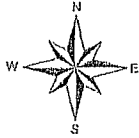
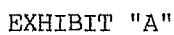


EXHIBIT "A"





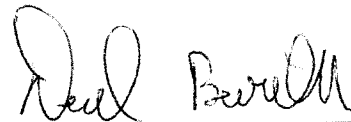
**NOW, THEREFORE, IT IS HEREBY ENACTED AND ORDAINED  
BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF LEHIGH,  
PENNSYLVANIA, THAT:**

1. The foregoing WHEREAS clauses are incorporated herein as if set forth in their entirety.
2. The conveyance of the parcel of land to the Township of Whitehall as described in "Exhibit A" is hereby approved.
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4. The County Executive shall distribute copies of this Ordinance to the proper offices 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.

COUNTY OF LEHIGH ORDINANCE 2012 – NO. 115

**CERTIFICATION**

I, DAVID BARILLA, Clerk to the Board of Commissioners of Lehigh County, do hereby certify that the attached is a true and correct copy of the ordinance adopted at a regular meeting of the Commissioners of Lehigh County held on the **23rd** day of **May**, 2012, and approved on the **30th** day of **May**, 2012 by the Lehigh County Executive, and effective on the **9th** day of **June**, 2012.

A handwritten signature in dark ink, appearing to read "David Barilla", is written over a horizontal line.

DAVID BARILLA, Clerk  
Board of Commissioners