

RESOLUTION NO. 48-09

**A RESOLUTION OF THE NEW HANOVER TOWNSHIP
BOARD OF SUPERVISORS AUTHORIZING THE EXECUTION
OF AN ADDENDUM TO AN AGREEMENT OF SALE IN LIEU
OF CONDEMNATION OF A CERTAIN PROPERTY IN NEW
HANOVER TOWNSHIP FOR PURPOSES OF OPEN
SPACE/RECREATION.**

WHEREAS, New Hanover Township is a municipal corporation existing under and governed by the Second Class Township Code (53 P.S. §65101, et seq.) as amended and supplemented; and

WHEREAS, New Hanover Township was prepared to file a condemnation action against Larry Parestis for a certain tract of real property located at 2003 Little Road, consisting of approximately 20.687 acres of vacant land for open space purposes.

WHEREAS, in accordance with the Second Class Township Code, the Township is authorized to acquire title to said property through eminent domain proceedings.

WHEREAS, in lieu of the eminent domain proceedings, on or about January 26, 2009, New Hanover Township and Larry Parestis entered into a written Agreement of Sale in Lieu of Condemnation.

WHEREAS, the Agreement of Sale was conditioned upon the approval and subsequent funding from the Montgomery County Open Space program.

WHEREAS, The County has approved the project, but the funding was stalled due to the State's budget problems.

WHEREAS, The Agreement of Sale was to be completed prior to October 31, 2009, or the Agreement was null and void.

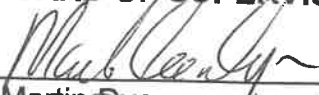
WHEREAS, The parties desired to extend the Agreement of Sale until December 31, 2009.

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED that the Township of New Hanover, in accordance with the authority conferred by law, has identified, for the purpose of open space/recreation, the property of Larry Parestis, being Tax Parcel Number 47-00-04668-00-1, located in New Hanover Township, Montgomery County, Pennsylvania, as and for permanent open space, and the Board of Supervisors hereby authorize the execution of an Addendum to the Agreement of Sale.

RESOLVED, that the Agreement of Sale will be extended until December 31, 2009, conditioned upon the parties executing an Addendum to the Agreement of Sale, said Addendum shall be attached to this Resolution, and incorporated herein as exhibit "A".

ENACTED and RESOLVED this 9th day of November, 2009.

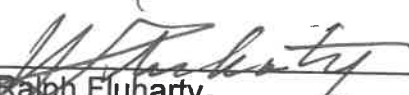
**NEW HANOVER TOWNSHIP
BOARD OF SUPERVISORS**




Martin Dyas



Douglas Muller



Ralph Fluharty

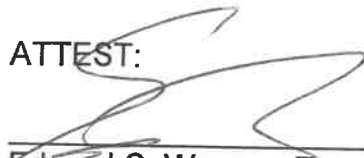


David P. Brown



Andrew Kelly

ATTEST:



Edward C. Wagner, Township Secretary

ADDENDUM TO AGREEMENT OF SALE

THIS ADDENDUM, made this 9th day of November, 2009, between **LARRY M. PARESTIS**, with a mailing address of 2003 Little Road, Perkiomenville, PA 18074, (hereinafter called "Parestis") and **NEW HANOVER OF TOWNSHIP** 2943 N. Charlotte Street, Gilbertsville, Montgomery County, Pennsylvania ("New Hanover").

WHEREAS, the parties executed an Agreement of Sale dated January 26, 2009, for the purchase of Tax Parcel No. 47-00-04668-00-1, which is now owned by Parestis; and

WHEREAS, the Agreement of Sale was contingent upon New Hanover obtaining financing for the purchase from the Montgomery County Open Space Program; and

WHEREAS, the Agreement of Sale signed on January 26, 2009, identifies that the settlement on the property should occur no later than October 31, 2009; and

WHEREAS, New Hanover was notified by the Montgomery County Open Space Board that due to problems with the state funding, the October 31st deadline was not realistic and, if the parties wanted to move forward, they would have to have an Addendum to the Agreement of Sale signed; and


WHEREAS, Parestis, through his attorney, Lee Mauger, sent a letter requesting an extension of the abeyance of the roll-back taxes on the above referenced property until December 31, 2009; and

WHEREAS, the Board of Assessment Appeals, through their attorney, Joan Righter Price, notified attorney Lee Mauger through letter of October 23, 2009, that the Board of Assessment Appeals granted the request to extend abeyance of the roll-back taxes until December 31, 2009.

WHEREFORE, the parties hereto on the day and year first above written agree to extend the provisions of Paragraph III(C) of the Agreement of Sale so that settlement should be effectuated by December 31, 2009. All other terms and conditions of the Agreement of Sale dated January 26, 2009, are incorporated herein as if set forth at length.


Larry M. Parestis

NEW HANOVER TOWNSHIP

BY:  (SEAL)
Chairman

ATTEST:  (SEAL)
Secretary