

**EAST COVENTRY TOWNSHIP**

**BOARD OF SUPERVISORS**

**CHESTER COUNTY, COMMONWEALTH OF PENNSYLVANIA**

**RESOLUTION NO. 2014-11**

**A RESOLUTION APPROVING THE AGREEMENT OF SALE FOR GRANT OF CONSERVATION EASEMENT BY AND BETWEEN JOSEPHINE G. USSLER (“SELLER”) AND NATURAL LANDS TRUST INC. (“PURCHASER”) AS PROSPECTIVE HOLDER OF A CONSERVATION EASEMENT OVER THE PROPERTY OF JOSEPHINE G. USSLER IN ACCORDANCE WITH THE TERMS AND CONDITIONS CONTAINED IN THE AGREEMENT OF SALE AND GRANT OF CONSERVATION EASEMENT ATTACHED TO THE AGREEMENT OF SALE AS EXHIBIT “B;” WHEREBY CHESTER COUNTY AND EAST COVENTRY TOWNSHIP SHALL BE DESIGNATED CO-HOLDERS AND BENEFICIARIES OF THE GRANT OF CONSERVATION EASEMENT; AUTHORIZING EXPENDITURE OF EAST COVENTRY TOWNSHIP OPEN SPACE FUNDS FOR THE PURCHASE OF THE GRANT OF CONSERVATION EASEMENT IN THE AMOUNT OF \$552,927.00; AUTHORIZING EXPENDITURE OF OPEN SPACE FUNDS FOR THE REIMBURSEMENT OF TRANSACTION COSTS OF THE NATURAL LANDS TRUST IN THE AMOUNT OF \$39,000.00; AUTHORIZING THE TOWNSHIP MANAGER TO SEEK REIMBURSEMENT OF AN APPROVED GRANT FROM CHESTER COUNTY IN THE AMOUNT OF \$156,400.00 TO PARTIALLY REIMBURSE EAST COVENTRY TOWNSHIP FOR A PORTION OF THE PURCHASE PRICE OF THE GRANT OF CONSERVATION EASEMENT; AND FURTHER AUTHORIZING TOWNSHIP MANAGER, BERNARD A. RODGERS, TO EXECUTE THE GRANT OF CONSERVATION EASEMENT AND AMENDED GRANT OF CONSERVATION EASEMENT IN ORDER TO SIGNIFY ACCEPTANCE ON BEHALF OF EAST COVENTRY TOWNSHIP AS CO-HOLDER AND BENEFICIARY AND TO EXECUTE ANY OTHER DOCUMENTS DEEMED NECESSARY FOR TOWNSHIP’S PURPOSES TO EFFECTUATE THE TRANSACTION AT CLOSING.**

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**WHEREAS,** Josephine G. Ussler is the owner of those certain parcels or tracts of land consisting of approximately 78.8 acres, located at 938 Schoolhouse Road, East Coventry Township, Chester County, Pennsylvania, being Chester County Tax Parcel Nos. 18-3-5, 18-4-72 and 18-4-75; and

**WHEREAS**, the Natural Lands Trust, Inc, a Pennsylvania non-profit corporation, desires to purchase a conservation easement over the property of Josephine G. Ussler pursuant to the terms and conditions of the Agreement of Sale and the Grant of Conservation Easement attached to the Agreement of Sale; and

**WHEREAS**, the Natural Lands Trust desires to serve as Holder of the conservation easement; and

**WHEREAS**, Chester County, a political subdivision, municipal corporation and County of the Third Class and East Coventry Township, a political subdivision and Township of the Second Class, desire the interests of Co-Holders and Beneficiaries in the aforesaid Grant of Conservation Easement; and

**WHEREAS**, the Board of Supervisors of East Coventry Township desires to approve the Agreement of Sale between Josephine G. Ussler and the Natural Lands Trust for the purchase of the Grant of Conservation Easement and further approve the terms and conditions in the Agreement of Sale and the Grant of Conservation Easement attached to the Agreement of Sale as Exhibit "B"; and

**WHEREAS**, the Board of Supervisors of East Coventry Township desires to authorize expenditure of Open Space Funds for the purchase of the Grant of Conservation Easement in the amount of \$552,927.00; and

**WHEREAS**, the Board of Supervisors of East Coventry Township desires to authorize expenditure of Open Space Funds for the reimbursement of transaction costs of the Natural Lands Trust in the amount of \$39,000.00; and

**WHEREAS**, the Board of Supervisors of East Coventry Township desires to seek reimbursement of an approved grant from Chester County in the amount of \$156,400.00 towards the purchase of the Grant of Conservation Easement; and

**WHEREAS**, the Board of Supervisors of East Coventry Township desires to designate and authorize Township Manager, Bernard A. Rodgers, to execute the Grant of Conservation Easement and Amended Grant of Conservation Easement and other documents deemed necessary to effectuate the transaction at Closing.

**NOW, THEREFORE**, be it resolved by the East Coventry Township Board of Supervisors as follows:

1. The Agreement of Sale between Josephine G. Ussler and the Natural Lands Trust for the purchase of a conservation easement and the terms and conditions in the Agreement of Sale and Grant of Conservation Easement attached thereto as Exhibit "B" in which East Coventry Township is Co-Holder and Beneficiary with Chester County are hereby approved.

2. The expenditure of East Coventry Township Open Space Funds in the amount of \$552,927.00 for the purchase of the Grant of Conservation Easement by the Natural Lands Trust from Josephine G. Ussler pursuant to the terms and conditions set forth in the Agreement of Sale

and the Grant of Conservation Easement attached thereto as Exhibit "B" is hereby authorized and approved.

3. The expenditure of East Coventry Township Open Space Funds in the amount of \$39,00.00 to reimburse transaction costs of the Natural Lands Trust including out-of-pocket expenses, allocated staff costs and attorney's and consultant's fees is hereby authorized and approved; and

4. The Township Manager is hereby authorized to seek reimbursement from Chester County in the amount of \$156,400.00 in accordance with the procedures set forth in the approved reimbursement grant in order to help offset the cost of the purchase of the Grant of Conservation Easement and partially replenish East Coventry Township's Open Space Fund.

5. The Township Manager, Bernard A. Rodgers, is hereby authorized to execute the Grant of Conservation Easement and Amended Grant of Conservation Easement on behalf of East Coventry Township to signify acceptance as Co-Holder and Beneficiary and to further execute any and all documents deemed necessary to effectuate the transaction at Closing.

**APPROVED** this 9th day of June, 2014, by the Board of Supervisors of East Coventry Township.

**EAST COVENTRY TOWNSHIP**

By: Ray A. Kolb  
Ray A. Kolb, Chairman

Attest: Bernard A. Rodgers  
Bernard A. Rodgers, Secretary