

97224

DEED AND RELEASE

MADE AND ENTERED into this 7th day of May, 1970, BETWEEN: W. A. SCHROTH and MARGARET E. SCHROTH, his wife, of the Borough of Indiana, County of Indiana, and Commonwealth of Pennsylvania, party of the first part,

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WHITE TOWNSHIP, a municipal sub-division of the Commonwealth of Pennsylvania, in the County of Indiana and Commonwealth of Pennsylvania, party of the second part,

WHEREAS, White Township Planning Commission approved a sub-division plan of the party of the first part, known as Wal-Mar plan of lots, which plan of lots is recorded in Indiana County in Plan Book 3, Page 36, and

WHEREAS, a certain area shown on said plan was designated "proposed recreation area", and

WHEREAS, party of the second part did not enact a resolution approving said area as a recreation area, nor did it obtain title to the same in any manner whatsoever, and

WHEREAS, party of the first part has agreed to convey to the party of the second part the hereinafter described tract of land as a proposed recreation area and party of the second part by official action taken at a meeting held February 26, 1970, and incorporated in the Minutes of said meeting, did relinquish any right that said party of the second part had in the area shown on said Wal-Mar plan designated "proposed recreation area" for any use whatsoever, and further



advised White Township Planning Commission that said White Township had agreed to have said area deleted as a "proposed recreation area" from the Wal-Mar plan, and

WHEREAS, party of the first part has made application to White Township Planning Commission to make a minor sub-division out of the area so released.

NOW, THEREFORE, this Deed and Release

WITNESSETH,

that in consideration of the mutual covenants and conditions contained herein, and in further consideration of the sum of ONE DOLLAR (\$1), paid by each party to the other, the receipt whereof is hereby acknowledged. The said party of the first part does hereby grant and convey to the party of the second part:

ALL that certain piece, parcel, or tract of land situate in the Township of White, County of Indiana, and Commonwealth of Pennsylvania, more particularly bounded and described as follows:

BEGINNING at a point being the corner of land of Clair Muir and Richard Rinkus; thence by land of Muir North 27° 42' East, 781.73 feet to a point; thence by residue hereof South 26° 48' East, 520.95 feet to a point; thence by land of Rinkus South 69° 12' 30" West, 639.92 feet to a point, the place of beginning, CONTAINING 3.80 acres according to survey of R. B. Shannon & Associates, revised March 26, 1970, being Drawing No. 6125.

EXCEPTING AND RESERVING all of the coal, together with mining rights as conveyed by the party of the first part to Rochester & Pittsburgh Coal Company, by their deed dated September 10, 1938, and recorded in Indiana County in Deed Book Volume 292, Page 284.

AND, party of the second part does hereby declare that it never approved or accepted as a recreation area or park of any kind whatsoever, the area shown on Wal-Mar plan designated "proposed recreation area", which plan is recorded in Indiana County in Plan Book 3, Page 36, or for any public use whatsoever, that it did not obtain title to the same in any manner whatsoever, that it understood that no dedication for public use of any kind had ever been made by party of the first part, that it did by resolution approve the deletion

of the same from said plan by White Township Planning Commission at a meeting held February 26, 1970, and, further, said party of the second part does hereby renounce, waive, release and discharge the said party of the first part, their heirs, successors and assigns, from any obligation to dedicate the same for a recreation area, park, or any public use whatsoever, and further covenants and agrees that the same may be sub-divided subject to the approval of White Township Planning Commission.

INTENDING TO BE LEGALLY BOUND; the party of the first part has hereunto set their hands and seals and that party of the second part has caused these presence to be executed and attested by its duly authorized officers the day and year first above written.

WITNESS:

W. A. Schroth
W. A. Schroth

Margaret E. Schroth
Margaret E. Schroth

ATTEST:

TOWNSHIP OF WHITE

Clifford P. Fleming
Secretary

BY Paul P. DuT...

COMMONWEALTH OF PENNSYLVANIA I
COUNTY OF INDIANA I

ss:

On this the 13th day of ~~May~~^{May}, 1970, before me the undersigned officer, personally appeared W. A. SCHROTH and MARGARET E. SCHROTH, his wife, known to me (or satisfactorily proven) to be the persons whose names are subscribed to the within instrument, and acknowledged that they executed the same for the purposes therein contained.

In Witness Whereof, I hereunto set my hand and official seal.

[SEAL]
CHARLOTTE YAKAL, NOTARY PUBLIC
INDIANA BOROUGH, INDIANA COUNTY
MY COMMISSION EXPIRES FEB. 13, 1973
Member, Pennsylvania Association of Notaries

COMMONWEALTH OF PENNSYLVANIA I
COUNTY OF INDIANA I

ss:

On this the 13 day of ~~May~~^{Aug.}, 1970, before me the undersigned officer, personally appeared FORD BUTERBAUGH who acknowledged himself to be the vice-chairman of White Township, a municipal corporation, and that he as such officer being authorized to do so, executed the foregoing instrument for the purposes therein contained by signing the name of the municipal corporation by himself as vice-chairman.

In Witness Whereof, I hereunto set my hand and official seal,

[SEAL]
CHARLOTTE YAKAL, NOTARY PUBLIC
INDIANA BOROUGH, INDIANA COUNTY
MY COMMISSION EXPIRES FEB. 13, 1973
Member, Pennsylvania Association of Notaries

I HEREBY CERTIFY that the precise residence of the Grantee, Township of White, is c/o Secretary, White Township, Indian Springs Road, Indiana, Pennsylvania, 15701.

Alan Holinger
Attorney for party of the second part