

RESOLUTION NO. 2025- 06

**A RESOLUTION OF HEIDELBERG TOWNSHIP, YORK COUNTY,
PENNSYLVANIA, AUTHORIZING THE CONVEYANCE OF REAL PROPERTY
TO THE YORK COUNTY RAIL TRAIL AUTHORITY**

WHEREAS, Section 1503 of the Second Class Township Code, 53 P.S. Section 66503 governs the purchase or sale of real property owned or to be owned by the Township; and

WHEREAS, Section 1503(c) of the Second Class Township Coded provides that the requirements of Section 1503 do not apply to any conveyances of real property by a Township to a Municipal Authority, and in such cases, such conveyances shall be at the sole discretion of the Township; and

WHEREAS, by Deed dated June 9, 2009 and by Quitclaim Deed dated June 9, 2009, and recorded in the Office of the Recorder of Deeds in and for York County, Pennsylvania, in Book 2033 at page 5714 and Book 2033 at page 5766, respectively, the Township acquired (for nominal consideration) approximately 12.0279 acres of unimproved real estate along York Road further identified as Lot No. 4 on a final subdivision plan of J. William Warehime, dated June 28, 2000, revised July 12, 2000, prepared by Worley Surveying and recorded in the Office of the Recorder of Deeds of York County, Pennsylvania, in Plan Book QQ, page 930, and identified as York County Tax Parcel 30-000-EE-0159.A0 (the “Property”); and

WHEREAS, aforesaid subdivision plan contains notes which purport to restrict the Property as follows: “Lot 4 to be conveyed to the Audubon Society and is subject to a restrictive covenant that lot 4 may not be developed for any purpose other than as a nature area or wildlife preserve”; and

WHEREAS, since the Township’s acquisition of the Property, the Property has remained unimproved, and the Township has not used the Property for any specific public purpose; and

WHEREAS, on July 12, 2024, the Township received a request from the York County Rail Trail Authority, a Municipal Authority organized pursuant to the laws of the Commonwealth of Pennsylvania, requesting the Township to donate the Property to the Rail Trail Authority for the purpose of conducting a stream restoration project and, ultimately, for locating, on a portion of the property, a public parking area for the Rail Trail being constructed between Hanover and Spring Grove; and

WHEREAS, on November 13, 2024, the Heidelberg Township Planning Commission reviewed the request at a public meeting and recommended approval of the request provided that the “covenant restriction is addressed and should they be unable to complete their plans for the property the lot will be returned to Heidelberg Township”; and

WHEREAS, in order to address the Planning Commission’s comments, the Board of Supervisors sought the concurrence of the original grantor of the Property, The Airie Knipel,

Harry V., and J. William Warehime Foundation, for the proposed conveyance of the Property to the York County Rail Trail Authority; and

WHEREAS, The Airie Knipel, Harry V., and J. William Warehime Foundation has provided its concurrence by email dated February 27, 2025, provided that the restrictions contained in the recorded subdivision plan are not changed as a result of the conveyance; and

WHEREAS, the Board of Supervisors of Heidelberg Township has agreed to make such conveyance to the York County Rail Trail Authority for nominal consideration, subject to the restrictions contained in the aforesaid recorded subdivision plan; and

WHEREAS, the York County Rail Trail Authority has agreed to accept the conveyance subject to the restrictions contained in the aforesaid recorded subdivision plan; and

WHEREAS, the Board of Supervisors believes that the conveyance is ultimately in the greater public good and in the interest of the Township and the public welfare.

NOW THEREFORE, BE IT RESOLVED, by the Board of Supervisors of Heidelberg Township, York County, Pennsylvania, as follows:

1. The Township hereby agrees to donate the Property to the York County Rail Trail Authority for the purposes set forth above.
2. The conveyance of the Property shall be subject to all liens, encumbrances, and restrictions of record, including those restrictions contained in the final subdivision plan of J. William Warehime, dated June 28, 2000, revised July 12, 2000, prepared by Worley Surveying and recorded in the Office of the Recorder of Deeds of York County, Pennsylvania, in Plan Book QQ, page 930.
3. The Chairman and proper officers of the Township are hereby authorized to execute and deliver a Deed of conveyance and any other documents customarily associated with the conveyance of real property.
4. The provisions of this Resolution shall be severable, and if any of its provisions shall be held unconstitutional, illegal or invalid, such unconstitutionality, illegality, or invalidity shall not affect the validity of any of the remaining provisions of this Resolution. All resolutions or parts of resolutions inconsistent herewith are expressly repealed.
5. This Resolution shall become effective immediately.

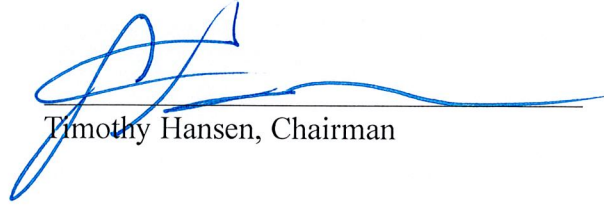
RESOLVED this 12 day of March, 2025.

ATTEST:

**BOARD OF SUPERVISORS OF
HEIDELBERG TOWNSHIP**



Secretary


Timothy Hansen, Chairman