

Fred Henry
6-17-22
8/4



R 02294-0376 Jun 17, 2022
BURKHOLDER, JESSE W
BURKHOLDER, MARY ELLEN
06-17-2022
10:11:23
EASE 8 pgs
RECORDER OF DEEDS

Joseph L. Davidson
RECORDER OF DEEDS

PRIVATE RIGHT-OF-WAY AND EASEMENT AGREEMENT

THIS AGREEMENT, made this 13th day of June, 2022,

by and between:

JESSE W. BURKHOLDER AND MARY ELLEN BURKHOLDER, husband and wife, of Spring Mills, Centre County, Pennsylvania, parties of the first part, "Grantor",

AND

JESSE W. BURKHOLDER AND MARY ELLEN BURKHOLDER, husband and wife, of Spring Mills, Centre County, Pennsylvania, parties of the second part, "Grantee",

WITNESSETH

WHEREAS, the Grantor is the owner of a certain parcel of real estate situate in the Township of Penn, Centre County, Pennsylvania, known as Centre County Tax Parcel Number 22-003-018, containing 135.02 acres and known as Lot 4R as shown in a certain subdivision plan known as "Final Plan Consolidation of Lands of Jesse W. and Mary Ellen Burkholder (Lot 4 and Lot 5 of Plat Book 80, Page 171 and Tax Parcel 22-4-17C) into Lot 4R" as recorded in Centre County Plat Book 86, Page 161, title to which became vested in the Grantor by deed recorded in Centre County Record Book 2114, Page 107 on November 21, 2012; and

WHEREAS, the Grantor is desirous of subdividing Lot 4R into two lots, Lot 4R-A and 4R-B; and

WHEREAS, in order to obtain the approval of the various municipal and planning authorities for said subdivision to be known as "Final Plan Jesse W. Burkholder and Mary Ellen Burkholder Subdivision (Lot 4R - Plat Book 86, Page 161) and Lot Addition to Lands of Charles W. Burkholder (Lot 1 - Plat Book 40, Page 12)" and intended to be recorded, the Grantor must provide a 50 foot wide private right-of-way for the right of ingress, egress and regress to Lot 4R-B over Lot 4R-A from Paradise Road; and

WHEREAS, the Grantor is willing to grant a right-of-way or easement over Grantor's property, Lot 4R-A, at a location upon the Grantor's property as hereinafter described for the Grantor and the Grantee to have access to Lot 4R-A and Lot 4R-B from Paradise Road under the following terms and conditions.

NOW, THEREFORE, in consideration of the premises and the mutual promises and covenants herein contained, and other good and valuable consideration, the receipt of which is hereby acknowledged, and intending to be legally bound hereby, the parties do hereby agree as follows:

1. The Grantor herein does hereby grant, convey and assign and declare a permanent, perpetual, right-of-way or easement to provide for ingress, egress and regress, and utilities, upon Lot 4R-A to Lot 4R-B, said right-of-way being 50 feet in width and located upon Lot 4R-A as follows:

BEGINNING at a mag nail at the centerline intersection of Paradise Road with the north end of a paved private lane, said nail being further defined within the Pennsylvania State Plane Coordinate System (NAD-83 Grid, PA North Zone 3701), by the grid coordinates of North: 251074.68 feet, East: 2037800.41 feet,

THENCE along the centerline of paved private lane leading through Lot 4R-A the next three courses and distances:

1. South 29°15'52" West a distance of 83.40 feet, to a point,
2. South 42°38'33" West a distance of 53.97 feet to a point of curvature of a curve to the left having a radius of 93.08 feet,

3. by said curve to the left an arc length of 107.92 feet, the chord of this curve bearing of South 09°25'45" West for a distance of 101.98 feet to a point on the northern line of Lot 4R-B,

Being the centerline of a 50 foot wide right of way passing through Lot 4R-A, for the shared access and egress of Lot 4R-A, and Lot 4R-B.

2. The approximate location of the private right-of-way hereinabove described is as shown on Exhibit A, attached hereto.

3. The Grantor and Grantee herein do hereby covenant and agree that said private right-of-way and easement shall be a private right-of-way and easement for the right of ingress, egress and regress to and for the use of the owners of Lot 4R-A and Lot 4R-B and their heirs, successors and assigns, jointly and in common, to provide access to said Lot 4R-A and Lot 4R-B from Paradise Road.

4. The cartway within the proposed 50-foot wide private right-of-way shall be constructed to standards found in Section 402.B.7. of the Centre County Subdivision and Land Development Ordinance; i.e. private driveway access easements shall be designed and constructed to provide a driveway to accommodate the type and volume of traffic anticipated to be generated including emergency vehicles (such as fire-fighting apparatus and ambulances) and shall be constructed to provide a sound, all-weather driving surface, reasonably smooth and free from mud, dust or standing water. The private right-of-way easement shall be a minimum of fifty (50) feet in width with a maximum allowable grade of the constructed cartway to not exceed twelve (12)

percent slope finished grade, which may be increased to fourteen (14) percent slope finished grade for distances not to exceed 500 feet, with a four (4) percent leveling area for the first fifty (50) feet where it intersects the local public road. The private right-of-way must be maintained in a non-erodible condition.

5. It is mutually understood and agreed between the parties hereto that neither party shall have any obligation to maintain or repair the right-of-way but that each party shall have the right and privilege to maintain the right-of-way as said party deems necessary and appropriate, without contribution or reimbursement from the other party. Provided, however, that in the event either party causes damage to the right-of-way, said party causing such damage shall be responsible for repairing the right-of-way to as good a condition as existed prior to said damage.

6. The parties hereto agree that this present instrument is only a grant of right-of-way and easement for the purpose or purposes herein contained and nothing herein contained shall be construed to grant to the owners of Lot 4R-B the fee through or upon which the said right-of-way or easement is located, but the title to the same shall be retained by the owners of Lot 4R-A.

7. The parties hereto agree that the use of said right-of-way herein granted shall be joint between the owners of Lot 4R-A and Lot 4R-B, and their heirs, successors and assigns. The parties hereto shall have the right to grant, convey and assign this right-of-way to future owners of Lot 4R-A and Lot 4R-B presently

owned by the Grantor and the Grantee but neither party shall have the right to assign the right to use said right-of-way to owners or users of other properties.

8. The right to use the easement herein shall also include the right of either party to install and maintain any utility within said easement, underground or overhead, including, but not limited to electric, telephone, and television cable. Provided, however, that the installation and location of said utilities shall not interfere with the right of ingress, egress and regress of vehicular traffic using said easement.

9. This Agreement shall be binding upon the parties hereto, their heirs, successors and assigns and shall be construed as covenants running with Lot 4R-A and Lot 4R-B.

10. The parties hereto covenant and agree that in the event the owners of Lot 4R-A and Lot 4R-B, their heirs, successors, and assigns desire to further replot, subdivide or develop any portion of their land that may require a revised and updated Private Right-of-Way and Easement Agreement, the owners of Lot 4R-A and Lot 4R-B, their heirs, successors, and assigns to this Agreement agree to be party to the revised and amended agreements without malice and in a timely manner.

11. The parties hereto covenant and agree that said conveyance of Lot 4R-A and Lot 4R-B, said easement shall remain a private access easement and the recording of the Plan referred to as finally approved or otherwise revised shall not constitute a dedication of said easement and right-of-way as a public

road of Penn Township, Centre County, Pennsylvania.

12. The parties hereto covenant and agree if at any time all owners of Lot 4R-A and Lot 4R-B, their heirs, executors, and assigns herein agree to an offer of dedication of said right-of-way or easement is made by petition of all property owners in accordance with the Second Class Township Code of Pennsylvania, it is understood and agreed that the offer shall be for the right-of-way or easement, as created by this Agreement, as a whole. Furthermore, before such offer of dedication shall be accepted by the Township of Penn, Centre County, Pennsylvania, it is understood and agreed that said right-of-way or easement as an offer of dedication shall be made to conform to the municipal standards then in effect at the expense of the owners of the lots contemplated herein.

13. In case any one or more of the provisions contained in this Agreement shall, for any reason, be held to be invalid, illegal or unenforceable, in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision thereof and this Agreement shall be construed as if such invalid, illegal or unenforceable provision had never been contained therein.

IN WITNESS WHEREOF, the parties hereto, intending to be legally bound, have executed this Agreement the day and year first above written.

Jesse W. Burkholder
JESSE W. BURKHOLDER

Grantor & Grantee

Mary Ellen Burkholder
MARY ELLEN BURKHOLDER

Grantor & Grantee

COMMONWEALTH OF PENNSYLVANIA)

COUNTY OF CENTRE)

) SS:
)

On this, the 13th day of June, 2022, before me, a Notary Public, the undersigned officer, personally appeared **JESSE W. BURKHOLDER AND MARY ELLEN BURKHOLDER**, 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 purpose therein contained.

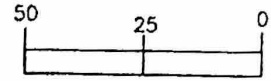
IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

Casey Aukerman
Notary Public

Commonwealth of Pennsylvania - Notary Seal
Casey Aukerman, Notary Public
Centre County
My commission expires June 16, 2025
Commission number 1250254
Member, Pennsylvania Association of Notaries

EXHIBIT "A"

50' PRIVATE LANE



Scale @ 1"=50'

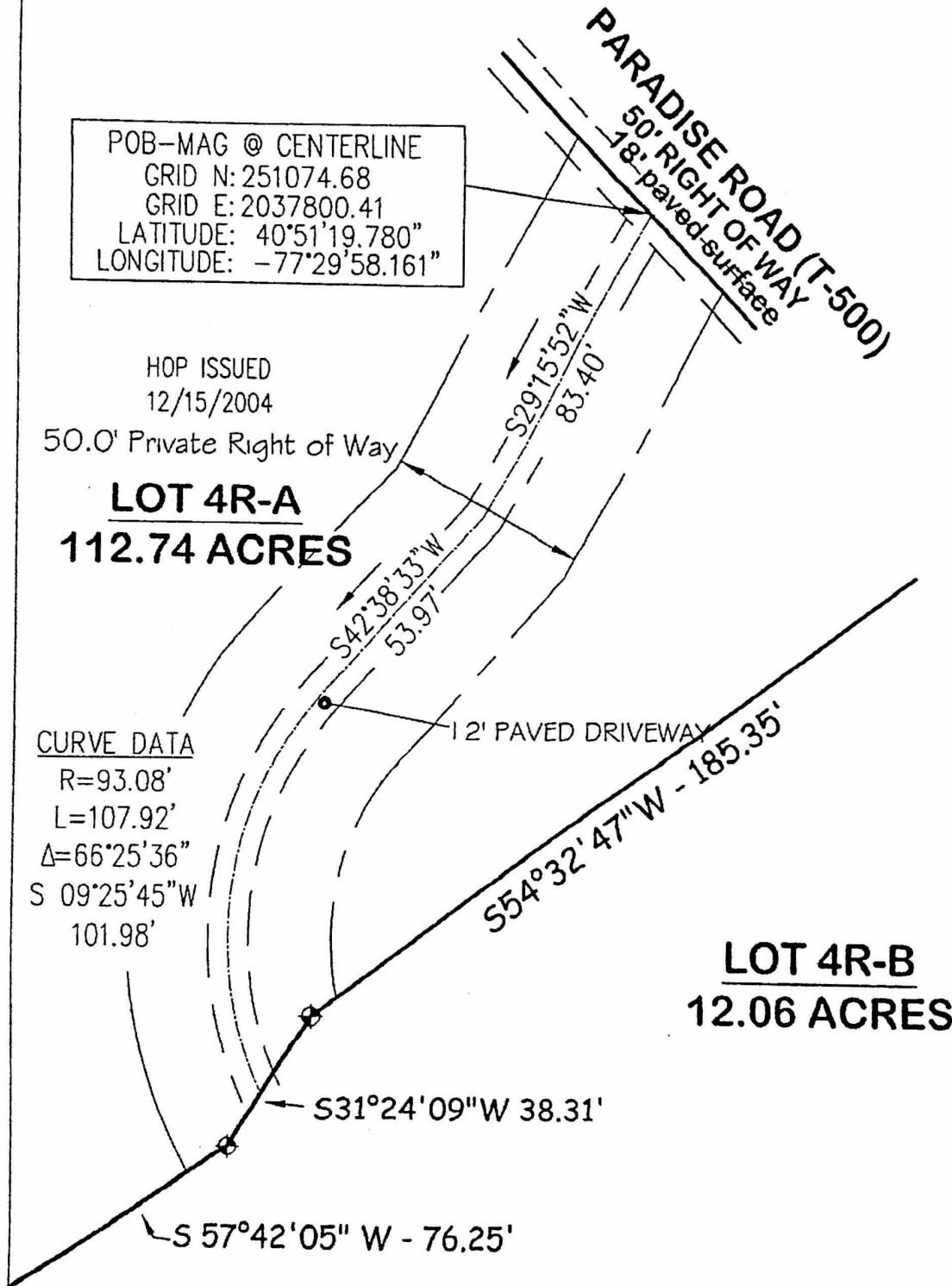
POB-MAG @ CENTERLINE
 GRID N: 251074.68
 GRID E: 2037800.41
 LATITUDE: 40°51'19.780"
 LONGITUDE: -77°29'58.161"



HOP ISSUED
 12/15/2004
 50.0' Private Right of Way

LOT 4R-A
112.74 ACRES

CURVE DATA
 R=93.08'
 L=107.92'
 Δ=66°25'36"
 S 09°25'45"W
 101.98'

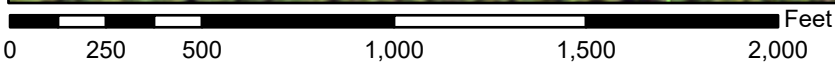


LOT 4R-B
12.06 ACRES

National Flood Hazard Layer FIRMette



77°30'17"W 40°51'27"N



1:6,000

77°29'40"W 40°51'N

Basemap Imagery Source: USGS National Map 2023

Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS		Without Base Flood Elevation (BFE) <i>Zone A, V, A99</i>
		With BFE or Depth <i>Zone AE, AO, AH, VE, AR</i>
		Regulatory Floodway
OTHER AREAS OF FLOOD HAZARD		0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile <i>Zone X</i>
		Future Conditions 1% Annual Chance Flood Hazard <i>Zone X</i>
		Area with Reduced Flood Risk due to Levee. See Notes. <i>Zone X</i>
		Area with Flood Risk due to Levee <i>Zone D</i>
OTHER AREAS		NO SCREEN Area of Minimal Flood Hazard <i>Zone X</i>
		Effective LOMRs
GENERAL STRUCTURES		Area of Undetermined Flood Hazard <i>Zone D</i>
		Channel, Culvert, or Storm Sewer
		Levee, Dike, or Floodwall
OTHER FEATURES		20.2 Cross Sections with 1% Annual Chance 17.5 Water Surface Elevation
		Coastal Transect
		Base Flood Elevation Line (BFE)
		Limit of Study
		Jurisdiction Boundary
MAP PANELS		Coastal Transect Baseline
		Profile Baseline
		Hydrographic Feature
		Digital Data Available
		No Digital Data Available
		Unmapped
		The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.



This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on **5/30/2024 at 1:42 PM** and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.

SITE DATA

For Parcel No. : 22-3-18
The Source : Record Book 2114, Page 107 (Lot 46-48, PG. 161)
Property Owner : Mary Ellen Burkholder
Owner's Address : 133 Fretzler Road
Spring Mills, PA 15875
Owner's Phone No. : 814-346-2001
Present Land Use : Residential / Agricultural
Proposed Land Use : Existing On-Site (Lot 46-48) On-Site Proposed (Lot 46-4A)
Proposed Water : Existing On-Site (Lot 46-48) and (Lot 46-4A)
Zoning : None
Minimum Lot Size Per Centre County Subdivision and Land Development Ordinance for Single-Family Detached Unit with one-to-one water and sanitary sewer: 20000 Square Feet
SUBDIVISION DATA
Total Area of Lot(s) : 152.07 Acres and one (1) Lot Addition Parcel
Total Area of Lot(s) : 152.07 Acres and one (1) Lot Addition Parcel
133.02 Acres Former Lot 46 - PG. 86, PG. 161
- 10.22 Acres Lot Addition 'A'
- 12.78 Acres (Lot 46-4B)
112.74 Acres Lot 46-4

**OWNER'S BLOCK
COMMUNITY OF PENNSYLVANIA
COUNTY OF CENTRE**

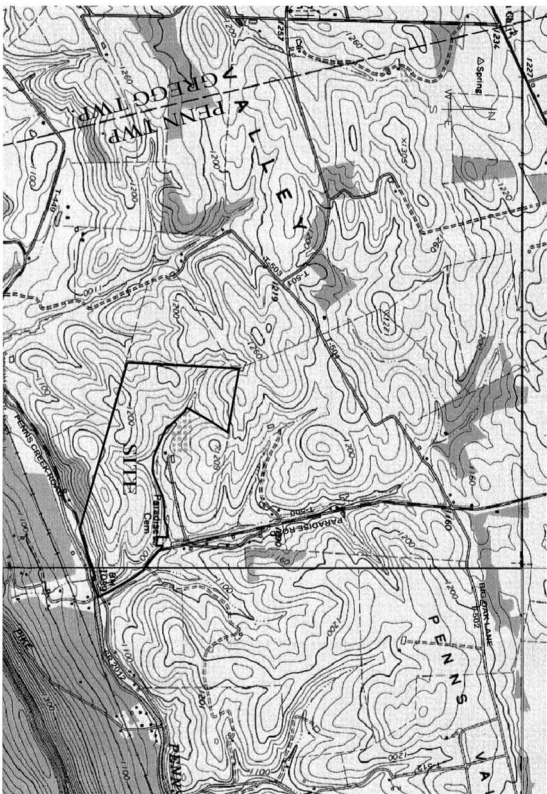
On this the 22nd day of June, 2022,
I, Jesse W. Burkholder, of the County of Centre, State of Pennsylvania, do hereby certify that I am the owner of the above described property and that I have read the plan of said property and desire it to have the plan of said property recorded in the public records of the County of Centre, Pennsylvania.
Jesse W. Burkholder
Mary Ellen Burkholder
Mary Ellen Burkholder
NOTARY PUBLIC
My Commission Expires October 16, 2025

SITE DATA
For Parcel No. : 22-3-18D
The Source : Record Book 2249 Page 413 (Lot 1 - PG. 40, PG. 12)
Property Owner : Charles W. Burkholder
Owner's Address : Spring Mills, PA 15875
Owner's Phone No. : Unavailable
Present Land Use : Former Lot 1 - Residential
Proposed Land Use : Existing On-Site
Proposed Water : Existing On-Site
Proposed Septic : Existing On-Site
Zoning : Lot 1 - None
Minimum Lot Size Per Centre County Subdivision and Land Development Ordinance for Single-Family Detached Unit with one-to-one water and sanitary sewer: 20,000 Square Feet
SUBDIVISION DATA
Total Area of Lot(s) : 1.01 Acres
LOT DATA
0.79 Acres Former Lot 1
+13.22 Acres Lot Addition Parcel 'A', 16
14.01 Acres Lot 1R

**OWNER'S BLOCK
COMMUNITY OF PENNSYLVANIA
COUNTY OF CENTRE**

On this the 22nd day of June, 2022,
I, Charles W. Burkholder, of the County of Centre, State of Pennsylvania, do hereby certify that I am the owner of the above described property and that I have read the plan of said property and desire it to have the plan of said property recorded in the public records of the County of Centre, Pennsylvania.
Charles W. Burkholder
NOTARY PUBLIC
My Commission Expires October 16, 2025

**FINAL PLAN
JESSE W. BURKHOLDER
& MARY ELLEN BURKHOLDER
SUBDIVISION
(LOT 46 - PLAT BOOK 86, PAGE 161)
&
LOT ADDITION TO LANDS OF CHARLES W. BURKHOLDER
(LOT 1 - PLAT BOOK 40, PAGE 12)
LOCATED WITHIN
PENN TOWNSHIP, CENTRE COUNTY, PENNSYLVANIA**



RECORDED BLOCK
P 0009-0169 Jun 24, 2022
Recorder of Deeds
Centre County, PA
This Original Plan is the property of Mease Associates, Inc. and is to be returned to said office after recording.

APPROVED BY THE CENTRE COUNTY PLANNING COMMISSION APPROVAL BLOCK
Approved by the Centre County Planning Office on
June 28, 2022
Director: Christy J. Aesch



SEAL CERTIFICATION
I hereby certify that the above plan and the accompanying exhibits are in accordance with the provisions of the Pennsylvania Subdivision Map Act and that the work has been done in accordance with the provisions of the Pennsylvania Subdivision Map Act.



Mease Associates, Inc.
SIMPSONS
DATE: 6/27/2022
DRAWN BY: NAI
CHECKED BY: KCH
DATE: 6/27/2022
SCALE: AS SHOWN

REVISIONS:
5/9/2022 - CMC Draft Comments - NAI