

COMMONWEALTH OF PENNSYLVANIA
BOARD OF PROPERTY

Frederick I. Fisher, and :
Ardine K. Fisher, his wife, :
Petitioners/Plaintiffs :

vs. :

Docket No. BP - 2006-0002

Commonwealth of Pennsylvania, through :
The Department of Environmental :
Protection and the Department of :
Conservation and Natural Resources, :
Respondent/Defendant :

RECEIVED

APR 25 2007

DCED
BOARD OF PROPERTY

ORDER

And now, this **twenty-third** day of **April, 2007**, upon consideration of the attached Boundary Line Agreement between the Commonwealth of Pennsylvania, acting by and through the Department of Conservation and Natural Resources, and Frederick I. Fisher and Ardine K. Fisher, his wife, fully executed by the parties, dated November 9, 2006, and recorded on February 5, 2007, a copy of which is attached hereto, **IT IS HEREBY ORDERED** that the parties having settled this matter by way of the Agreement, this Board hereby approves this Agreement, and this case is dismissed with prejudice. **IT IS FURTHER ORDERED** that the Department of Environmental Protection is removed as a party to this action.

BY THE BOARD,



Andrew Síslo, Chief of Staff
Pennsylvania Department of State
Designee of Pedro A. Cortés
Secretary of the Commonwealth
Chairman, Board of Property

Plaintiffs' Counsel:

Joseph P. Troy, Esquire
Attorney for Plaintiffs, Frederick I.
and Ardine K. Fisher
29 E. Main St., P.O. Box 706
Schuylkill Haven, PA 17972

Defendant's Counsel:

Martha Smith, Esquire
Assistant Counsel
Department of Conservation & Natural Resources
Seventh Floor
Rachael Carson State Office Building
400 Market Street
Harrisburg, PA 17105

Date of Mailing:

Date Time
02-05-2007 12:05 pm.

UPI #'s 33-2-1 and 33-4-13

BOUNDARY LINE AGREEMENT

THIS AGREEMENT, made the *9th* day of *november*, 2006,

BY AND BETWEEN

COMMONWEALTH OF PENNSYLVANIA, acting by and through the Department of Conservation and Natural Resources, hereinafter referred to as "the Department",

AND

FREDERICK I. FISHER and **ARDINE K. FISHER**, his wife, both of 80 Stump Lane, Pine Grove, Pennsylvania 17963-8027, hereinafter referred to as "Fisher"

WHEREAS, the Department owns a parcel of land situate in Washington Township, Schuylkill County, Pennsylvania, and assessed by the Schuylkill County Assessor's Office as U.P.I. 33-2-1. Said parcel of land being more particularly described as Tract B in a deed from Ben Boltz, Joseph H. Holden and Elmer Johnson. Commissioners of the County of Schuylkill, and the Tax Claim Bureau of the County of Schuylkill to the Commonwealth of Pennsylvania, dated March 8, 1963 and recorded in the Schuylkill County Recorder of Deeds Office on March 14, 1963, in Deed Book 1043 at Page 723. Said parcel hereinafter sometimes referred to as "Department Parcel".

WHEREAS, Fisher owns two (2) parcels of land situate in Washington Township, Schuylkill County, Pennsylvania, together assessed by the Schuylkill County Assessor's Office as part of U.P.I. 33-4-13, with both parcels being contiguous to the Department parcel. Said parcels being more particularly described as follows: First, by a deed from Ammon L. Stump and Mabel A. Stump, his wife, to Frederick I. Fisher and Ardine K. Fisher, his wife, dated May 12, 1972 and recorded in the Schuylkill County Recorder of Deeds Office on May 16, 1972 in Deed Book 1153 at Page 857: and, Secondly, described as Tract No. 1 in the deed from Frank E. Herring and Flora A. Herring, his wife, to Reverend Frederick I. Fisher and Ardine K. Fisher, his wife, dated February 16, 1984 and recorded in the

06-1920

Schuylkill County Recorder of Deeds Office on February 23, 1984 in Deed Book 1340 at Page 962.

Said parcels together hereinafter sometimes referred to as the "Fisher Parcels": and

WHEREAS, the location of the common boundary line between the Department Parcel and the Fisher Parcels cannot be consistently and compatibly located using the deed descriptions for the respective parcels and prior surveys thereof, which has created uncertainty as to the actual location of the common boundary line; and

WHEREAS, the parties have agreed to resolve these uncertainties by establishing the common boundary line between the Department Parcel and the Fisher Parcels, and by this document desire to reduce that agreement to writing, intending it to be recorded in the land records of Schuylkill County, Pennsylvania.

NOW THEREFORE, in consideration of the mutual covenants herein contained, and intending to be legally bound hereby, the parties agree as follows:

1. The above recitals are deemed to be a material part of the terms of this Agreement.
2. Attached hereto marked Exhibit "A", and by this reference made a part hereof, is a survey of the Fisher Parcels, dated February 8, 2006, as prepared by Robert A. Lehr, P.L.S.
3. The parties hereby agree that the common boundary line between the Department Parcel and the Fisher Parcels shall be established in accordance with the common boundary line shown on Exhibit "A", more particularly described as: **BEGINNING** at an existing stone pile, the westernmost corner hereof, on line of lands of the Department parcel and other lands of Frederick I. Fisher and Ardine K. Fisher, his wife. Said stone pile being more particularly located North 16° 32' 52" West a distance of 264.64 feet from an existing stone delineated as "F&W Cor. 3", and South 16° 32' 52" East a distance of 35.00 feet from an existing stone pile at a fallen Oak tree delineated as "F&W Cor. 2", as both referenced on the above plan of survey. Thence from said stone pile of beginning and being on the Department parcel and the Fisher Parcels, North 75° 31' 41" East a distance of 383.22 feet to an iron pin set in a former 36" Oak stump; thence continuing by the same, North 30° 40' 54" West a distance of 115.21 feet to an iron pin set; thence continuing by the same, South 82° 16' 14" East a distance of 89.49 feet to an iron pin set; thence continuing by the same, North 74° 43' 46" East a distance of 1023.00 feet to an iron pin and stones set; thence continuing by the same South 08° 16' 14" East a distance of 330.00 feet to an existing iron pipe on line of the Department parcel at a corner of lands now or formerly of Marvin Zimmerman, and being the point of termination hereof.

CERTIFICATION OF PARCEL NUMBERS ONLY

DOES NOT CERTIFY CONTENTS
OF THIS DOCUMENT

SCHUYLKILL COUNTY ASSESSMENT BUREAU



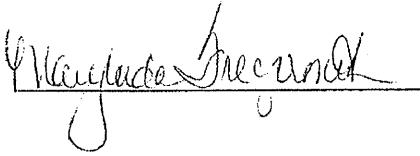
4. It is further mutually agreed by and between the parties herein, and on behalf of their successors, heirs and assigns that the above described line shall be the true boundary line between their respective lands, irrespective as to what may be the true lines that would divide the tracts of said parties as surveyed heretofore; and each party, their successors, heirs and assigns, does remise, release, quit claim, and surrender to the other, parts or portions of its lands heretofore owned or claimed by it necessary to carry out the establishment and maintenance of the above described line as the true boundary or division lines between the properties.

IN WITNESS WHEREOF, the parties have hereunto caused this Agreement to be executed the day and year first above written.

ATTEST:

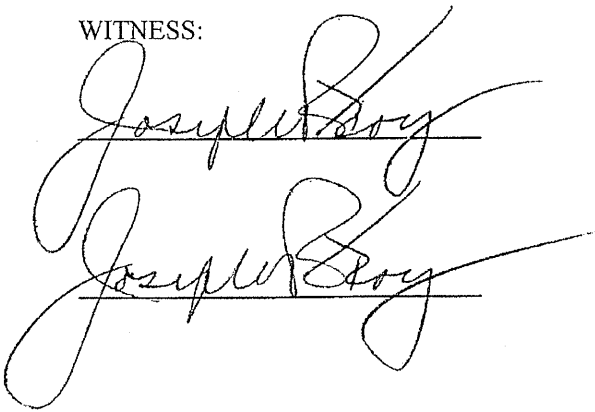
COMMONWEALTH OF PENNSYLVANIA
Acting By and Through

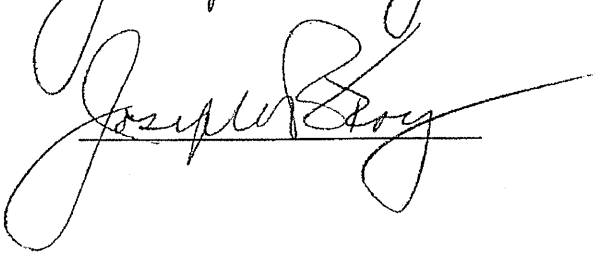
**DEPARTMENT OF CONSERVATION
AND NATURAL RESOURCES**



By:  (SEAL)
MICHAEL DIBERARDINIS
Secretary

WITNESS:





 (SEAL)
FREDERICK I. FISHER

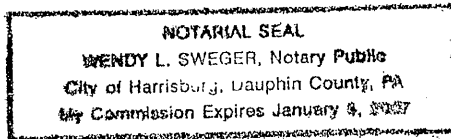
 (SEAL)
ARDINE K. FISHER

COMMONWEALTH OF PENNSYLVANIA)
) SS.
COUNTY OF DAUPHIN)

ON THIS, the 11 day of December 2006, before me a notary public, the undersigned officer, personally appeared MICHAEL DIBERARDINIS, Secretary of the Department of Conservation and Natural Resources, known to me to be the person described in the foregoing instrument, and acknowledged that he executed the same in the capacity therein stated and for the purpose herein contained.

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

Wendy L. Sweger
Notary Public

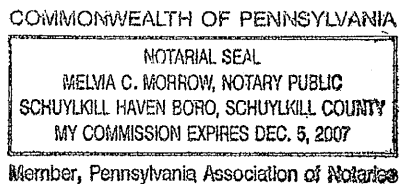
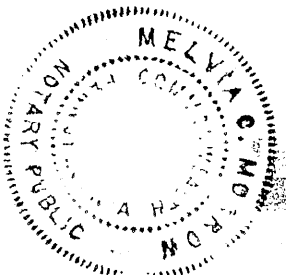


COMMONWEALTH OF PENNSYLVANIA)
) SS.
COUNTY OF SCHUYLKILL)

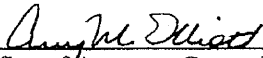
ON THIS, the 9th day of November, 2006, before me a notary public, the undersigned officer, personally appeared FREDERICK I. FISHER and ARDINE K. FISHER, his wife, known to me to be the persons described in the foregoing instrument, and acknowledged that they executed the same for the purpose herein contained.

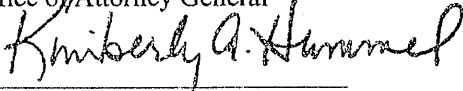
IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Melvia C. Morrow
Notary Public



Approved as to Legality and Form:

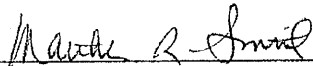

Office of Attorney General



Chief Counsel, Department of Conservation
And Natural Resources

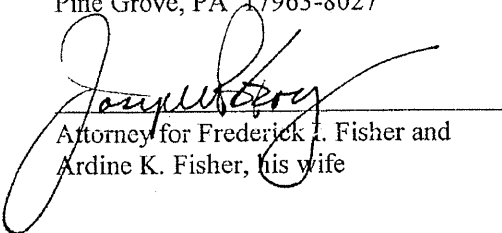
I HEREBY CERTIFY that the principal place of business and
mailing address of the Commonwealth of Pennsylvania is:

Department of Conservation and Natural Resources
Bureau of Facility Design and Construction
Land Records Section
P.O. Box 8451
Harrisburg, PA 17105-8451


Attorney for Commonwealth of Pennsylvania
Department of Conservation and Natural Resources

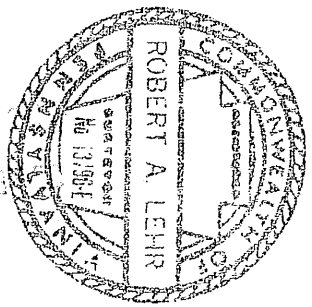
I HEREBY CERTIFY that the mailing address of
Frederick I. Fisher and Ardine K. Fisher,
his wife, is:

80 Stump Lane
Pine Grove, PA 17963-8027


Attorney for Frederick I. Fisher and
Ardine K. Fisher, his wife

2007000022347
Filed for Record in
SCHUYLKILL COUNTY, PA
A MATTHEW DUDISH
02-05-2007 At 12:10 pm.
PLAT MAP 35.00

2007000022347
FREDERICK I & ARDINE K FISHER
WASHINGTON TWP
BOOK 500 PG 27



Robert A. Lehr

SURVEY SHOWING THE PARCEL OF LAND CLAIMED BY
FREDERICK I. & ARDINE K. FISHER h/w

WASHINGTON TOWNSHIP SCHUYLKILL COUNTY PENNSYLVANIA
SCALE: 1" = 100' DATE: FEBRUARY 8, 2006

SURVEYED BY: ROBERT A. LEHR P.L.S.
211 MOLLEYSTOWN ROAD
PINE GROVE, PA. 19763
PHONE: 570 - 345 - 4004

DRAWING: M - 138 - 14