

**NO. 2023 -  
PRESTON TOWNSHIP: WAYNE COUNTY**

**AN ORDINANCE OF PRESTON TOWNSHIP, WAYNE COUNTY,  
COMMONWEALTH OF PENNSYLVANIA APPROVING THE SALE OF  
REAL PROPERTY, A PORTION OF WHICH WAS PREVIOUSLY USED  
FOR RECREATIONAL PURPOSES, FREE AND CLEAR OF ANY  
PUBLIC RIGHT.**

**WHEREAS**, Preston Township is the owner of an old railroad station located at 1439 Crosstown Highway in Lakewood, Commonwealth of Pennsylvania, which is known as Wayne County Tax Parcel Number 20-0-0010-0045 (hereinafter the "Railroad Station"); and

**WHEREAS**, Preston Township has no further use for the Railroad Station and the ongoing upkeep and maintenance of the railroad station is a burden for the Township and Preston Township is not able to transfer or sell the Railroad Station unless it is able to plan for future septic on the subject parcel of real property and the acreage of the current Railroad Station is insufficient to allow for sewage planning; and

**WHEREAS**, Preston Township is also the owner of an adjacent parcel of real property known as the Preston Ballpark, located at 641 Old Railroad in Lakewood, Preston Township, Commonwealth of Pennsylvania, containing five and ninety-eight hundredths acres (5.98) of real property and more particularly described in Wayne County Deed Book 143, Page 21; and

**WHEREAS**, the Deed for the Preston Ballpark contains a restrictive covenant, precluding the future use of the property, stating "[t]his conveyance is made to [Supervisors of Preston Township] and their successors in office for the purpose of a public playground. This parcel of land is to remain the property of the Supervisors of Preston Township, and their successors in office for now and forever for the purpose of a play-ground and recreation field for the present and future generations"; and

**WHEREAS**, the Board of Supervisors of Preston Township previously sought consent to subdivide approximately one and four hundredths acres (1.04) of the Preston Ballpark and add it to the Railroad Station to allow for the sale of the Railroad Station with appropriate acreage for sewage planning from the Court of Common Pleas of Wayne County, Orphans Court Division, without the encumbrance of the restrictive covenant, and such consent was granted by said court; and

**WHEREAS**, the legal description for the two (2) acre parcel is attached hereto as Exhibit "A" and incorporated herein by reference; and

**WHEREAS**, Section 1503(a) of the Second Class Township Code (hereinafter the "Code") allows the sale of real property to the highest bidder after due notice by advertisement for bids; and

**WHEREAS**, the Board of Supervisors of Preston Township previously advertised the sale of the two (2) acre parcel containing the rail road station and subdivided acreage, totaling two (2) total acres of real property, accepted bids on the purchase of the subject property, and now wish to move forward with the transfer of the subject property; and

**WHEREAS**, Section 1503(f) of the Code allows the Township to dispose of real property free and clear of any public right by ordinance; and

**WHEREAS**, the Board of Supervisors of Preston Township enact this Ordinance approving the sale of two (2) acre parcel free and clear of the public right, so that it can be conveyed with clear title.

**NOW THEREFORE, BE IT ENACTED AND ORDAINED**, by the Board of Supervisors of Preston Township as follows:

Section 1. ORDINANCE FOR DISPOSAL OF PROPERTY

The Real Property located at 1439 Crosstown Highway in Lakewood, Commonwealth of Pennsylvania, now containing two (2) acres of property, may be conveyed via Special Warranty Deed, by the Supervisors of Preston Township free and clear of any public right, as authorized by the Wayne County Court of Common Pleas, Orphans Court Division.

Section 2. EFFECTIVE DATE

This ordinance shall become effective on \_\_\_\_\_.

**ENACTED AND ORDAINED** this \_\_\_\_\_ day of \_\_\_\_\_, 2023, by the Board of Supervisors of Preston Township, Wayne County, Commonwealth of Pennsylvania in lawful session, duly assembled.

ATTEST:

\_\_\_\_\_  
Secretary  
Preston Township

\_\_\_\_\_  
Supervisor  
Preston Township

\_\_\_\_\_  
Supervisor  
Preston Township

\_\_\_\_\_  
Supervisor  
Preston Township