

Barley Snyder

ATTORNEYS AT LAW

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YORK, PA 17401
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Stacey R. MacNeal, Esquire
Direct Dial Number: (717) 718-7586
E-mail: smacneal@barley.com

March 31, 2023

VIA HAND DELIVERY
AND ELECTRONIC MAIL
tduerr@smiddleton.com

South Middleton Township
Attn: Timothy Duerr, Director of Community Development
520 Park Drive
Boiling Springs, PA 17007

**Re: Heritage Village
Conditional Use Application**

Dear Tim:

Enclosed please find three (3) copies of a Conditional Use Application and ten (10) copies of a supporting Conditional Use Plan being submitted on behalf of NB Land, LLC, together with Barley Snyder check number 097500 in the amount of Five Thousand Five Hundred (\$5,500.00) Dollars representing the filing fee and required escrow. A list of adjoining property owners can be provided if necessary.

Please confirm that this application will be reviewed by the Township Planning Commission on April 18, 2023 meeting at 6:00 p.m., and advise as to the first hearing date and time once established.

If you have any questions on the enclosed documents or need anything additional, please let me know. Thank you for your assistance with this application.

Very truly yours,



Stacey R. MacNeal

SRM:rnk
Enclosures
cc: NB Land, LLC (via email, w/ enc.)
Dawood Engineering, Inc. (via email, w/ enc.)

10482550.v1

South Middleton Township

Serving our Community with Pride

CONDITIONAL USE APPLICATION

DOCKET NO. _____

To the Board of Supervisors of South Middleton Township, Cumberland County, Pennsylvania:

1. Applicant NB Land, LLC Phone No. 877-856-6267 x 288

Email Address mcaffrey@berkshomes.com

Address 3335 Morgantown Road, PO Box 7, Mohnton, PA 19540

2. Applicant's Attorney Stacey R. MacNeal Phone No. 717-718-7586

Address 100 East Market Street, York, PA 17401

3. The interest of applicant is Equitable owner.

4. The subject property is described, located, and used as follows: See attached.

5. State the present zoning classification of the property and the section of Zoning Ordinance No. 3 of 2007, as amended, under which the Conditional Use is requested: See attached.

6. **A Conditional Use Narrative and site plan is required with this application. The narrative shall explain the applicant's request in detail and address the Conditional Use objectives of Section 2001, Plan requirements of Section 2005, and any applicable supplement regulations found in Article XVI. Otherwise, it will be deemed an incomplete submission.**

Signature of Applicant: Matthew T. Caffrey

Date Received _____

Fees: Application \$ _____

Received By _____

Escrow \$ _____

CONDITIONAL USE APPLICATION

4. The subject property is described, located, and used as follows:

The property consists of four parcels of land known as follows:

Parcel ID No.: 40-09-0533-016

Parcel ID No.: 40-09-0533-017

Parcel ID No.: 40-09-0533-018

Parcel ID No.: 40-09-0533-019

(See attached tax maps.)

All located to the east of Fairview Street, south of Lisburn Road, and north of York Road (State Route 74). The land is proposed to be subdivided into two (2) lots, one to the east of the Connector Road, containing 62.5 acres of land, and one to the west of the Connector Road, containing 82.4 acres of land, as shown on that approved Preliminary Land Development & Subdivision Plan for Rose Drive-York-Trindle Urban Collector Road.

5. State the present zoning classification of the property and the section of the Zoning Ordinance No. 3 of 2007, as amended, under which the Conditional Use is requested:

The present zoning classification is RH Residential-High Density. Conditional use is being requested under Section 902(1) for a "Large Scale Residential Development", Section 902(4) for Single Family Attached Dwellings, and Section 902(5) for Apartment Buildings.

NARRATIVE

This proposed Large-Scale Residential Development, consists of a variety of residential dwellings, including single-family detached dwellings, single-family attached (townhouse) dwellings, and apartment buildings. There are 179 single-family detached lots, 279 attached (townhouse) units, and 288 apartments units proposed for a maximum total number of units of 746 as laid out on the Development Plan provided with this application.

This property has been reviewed by the Township many times in the recent past. It is Applicant's understanding that at least two previous conditional use applications were filed for residential development of this property, and, most recently, the Township approved a plan for construction of the Connector Road, which road is now complete and ready for adoption by the Township. Additionally, a prior subdivision plan subdivided off property to the south of the subject site, which is zoned Commercial and adjacent to York Road, for future commercial development.

It is intended that this proposed residential community, containing a variety of housing types, will provide a pedestrian friendly community in harmony with the development of the variety of adjacent residential uses and zoning districts, which include small lot single-family

detached dwellings along Fairview Street, commercially-zoned property along York Street, and future commercial/industrial properties to the north and east.

The project, as proposed, includes a variety of amenities, including a walking/biking path with connection to Fairview Street for existing residents, as well as community amenities. This is intended to be an attractive residential community that will be managed under a single planned community umbrella. The developer intends to meet all of the municipal requirements related to landscaping and buffer yards and is specifically providing for a significant buffering between this development and the existing residential properties on the east side of Fairview Street, which abut the development, as well as from this development and future commercial and industrial uses to the north, east, and south, while also providing for future connectivity to those areas.

This use optimizes the use of the newly constructed Connector Road with all internal access being directly to the Connector Road and no access to other existing portions of the Township's road network. We believe that this will provide the optimal transportation flow for future residents of this development to the arterial network within the community. The project also proposes the abandonment of a portion of Lisburn Road to further reduce any traffic that may be tempted to connect from the Connector Road to Fairview Street. This future road abandonment would be done in conjunction with the Township, and the developer would assist the Township with that process.

General Zoning Requirements: The proposed development will meet all of the area and bulk requirements under the Township's RH Zoning District for the proposed variety of uses, including the single-family detached dwellings, single-family attached dwellings, and apartment buildings as follows:

Single-family detached dwellings: The single-family detached dwellings have a minimum lot area of 10,500 square feet with a minimum lot width of 75 feet; and sufficient area for a front yard setback of 30 feet, a rear yard setback of 20 feet, and a side yard setback of 10 feet. They have the maximum building coverage of 40%; a maximum impervious coverage of 50%; and the maximum building height is 40 feet.

Single-family attached dwellings: The attached townhouse units will have a maximum gross density of four (4) dwelling units per acre; provide interior lot width of 20 feet per unit; and a front yard setback of 20 feet, side yard setbacks for end units of 20 feet, and a rear yard setback of 20 feet. There will be no less than three (3) and no more than six (6) dwelling units in any townhouse building. The maximum building height will be 40 feet. Building coverage will not exceed the maximum of 40%, and the maximum impervious area, including buildings, will not exceed 50%.

Apartments: Apartments will be provided at a maximum density of ten (10) dwelling units per acre. The proposed buildings will meet the front yard setback of 20 feet, side yard setback of 15 feet, and rear yard setback of 20 feet. The maximum building height will be 40 feet. Building coverage will not exceed the maximum of 40%, and the maximum impervious area, including buildings, will not exceed 50%.

Parking: There will be at least two parking spaces provided for every dwelling unit including on-lot parking for single-family detached units, on-lot/visitor parking for the townhouse units, and larger resident/visitor parking lots for the apartments.

Section 2001. Conditional Use Objectives

In acting upon any such use, the Supervisors shall take into consideration the public health, safety, and welfare, the comfort and convenience of the public in general and of the residents of the immediate neighborhood in particular, and may prescribe appropriate conditions and safeguards as may be required in order that the result of its action may, to the maximum extent possible, further the expressed intent of this Ordinance and the accomplishment of all of the following objectives:

1. That all proposed structures, equipment, or material shall be readily accessible for fire and police protection.

The proposed internal streets will be designed and built to Township standards and offered for dedication to the Township. The Applicant will provide evidence of the ability of fire equipment to traverse the streets and the neighborhood. Additionally, a variety of emergency access and future access points are being proposed on the Plan to allow future connectivity into adjacent development and to provide additional access for emergency vehicles.

2. That the proposed use shall be of such location, size, and character that, in general, it will be in harmony with the appropriate and orderly development of the District in which it is proposed to be situated and will not be detrimental to the orderly development of adjacent properties in accordance with the zoning classification of such properties.

This proposal is in harmony with the appropriate and orderly development of the district in which it is proposed, which is the Residential-High Density District, the purpose of which is to encourage a diversity of housing types compatible with existing residential developments located in areas of the Township generally suitable for such development based on access to transportation systems and community facilities. In this case, the property is located adjacent to an existing small-lot residential development, and proposed future commercial and industrial development. It provides a mixture of housing types, which will provide a consistent cohesive development with this wide variety of surrounding land uses. Its ability to access the newly constructed Connector Road, which bisects the property, provides an adequate transportation network for connection to the region's arterial system.

This proposed use will not be detrimental to the orderly development of adjacent properties in that it provides an appropriate transitional high-density residential use with a mixture of housing types between the small lot-single-family use to the west, the industrial use to the north, and the proposed commercial use to the south. The location of the use, including its nature, intensity, and site layout in relation to streets, will not be hazardous, inconvenient, or conflict the normal flow of traffic within residential neighborhoods. Due to the ability to access

the Connector Road and the proposed lack of connections to local residential streets, this use will not conflict with the existing residential neighborhood traffic. The height and location of the buildings and the nature of proposed landscaping will not hinder or discourage the development use of adjacent land and buildings. The building heights shall meet the Ordinance requirements of a maximum of 40 feet, and appropriate landscaping and buffer yards will be provided around the perimeter of the property.

The application as proposed will not adversely affect the public health, safety, welfare, or the comfort and convenience of the public or the residents of the immediate neighborhood. With the completion of the Connector Road to allow for the smooth flow of traffic in this area, these new residents will have easy access to collector and arterial roadways in the neighborhood without the need to utilize local residential streets, thus minimizing any impact on the neighborhood. The variety of housing being proposed will be of high quality and provide for an excellent mix of housing types for the community, which is consistent with the mixed use neighborhood in this area.

The application is consistent with the Township's 2022 Comprehensive Plan Update. This area of the Township was noted to be ready and available for development after completion of the Connector Road. Consistent with the Township's Visions, Goals, and Objectives, a portion of this proposed development will provide workforce housing in this walkable community, with a variety of apartment and attached units mixed with the traditional, single-family detached units. It also expands the active transportation network in the Township by connecting to the recently constructed walking/biking path located along the Connector Road and connecting that path to new sidewalk to be constructed along Fairview Street.

3. That, in addition to the above, in the case of any use located in, or directly adjacent to, a Residential District:

a. The location and size of such use, the nature and intensity of operations involved in or conducted in connection therewith, its site layout and its relation to access streets shall be such that both pedestrian and vehicular traffic to and from the use and the assembly of persons in connection therewith will not be hazardous or inconvenient to, or incongruous with, said Residential District or conflict with the normal traffic of the neighborhood.

Due to the ability to access the Connector Road, there are no direct connections to local residential streets and the development will not be in conflict with the existing residential neighborhood traffic.

b. The location and height of buildings, the location, nature and height of walls and fences, and the nature and extent of landscaping on the site shall be such that the use will not hinder or discourage the appropriate development and use of adjacent land buildings.

The building heights will meet the Ordinance requirements of a maximum of 40', and appropriate landscaping and buffer yards will be provided around the perimeter of the property as shown on the Development Plan.

Section 2005. Development Plan

1. The location, boundaries, dimensions, and ownership of the land.

The location, boundaries, and dimension of the land are shown on the Development Plan. The owner of the land is Riverfront Development Limited Liability Company as shown on the attached Deed. Applicant has a contract to purchase this property.

2. In the case of commercial and industrial development, a general description of the activities to take place as may be appropriate such as maximum employment, working hours, customer traffic, delivery services, development schedule staging plan.

The proposed conditional use is a residential development; therefore, this information is not applicable.

3. The location, use, and ground area of such proposed buildings and other structures.

This Development Plan shows the location and approximate ground areas of the proposed structures, as well as appropriate dimensional information as required to show compliance with the Township's area and bulk requirements.

4. The location, dimensions, arrangements and proposed use of all open spaces, yards, streets, access ways, entrances, exits, off-street parking facilities, loading and unloading facilities, pedestrian ways, and buffer yards.

Streets, access ways, entrances, and exits are clearly shown on the Development Plan. The Plan proposes significant open space disbursed throughout the development. The Developer is requesting to pay the Township a fee in lieu of dedication for recreation land.

Street trees and individual building trees will be provided in accordance with the Subdivision and Land Development Ordinance. A landscape buffer is provided as shown on the Development Plan to define the project and provide screening from distinct uses and zoning districts.

Sidewalks will be constructed along the proposed streets within the development. The Connector Road has a walking trail constructed along it, which will be connected into walking/bike trails within the community to be open to the general public. Sidewalks are proposed along Fairview Street.

5. The capacity, arrangement and controls for all areas to be used for automobile access, parking, loading and unloading in sufficient detail to demonstrate that satisfactory arrangements will be made to facilitate traffic movement from the street to the highway.

A traffic study was previously prepared in conjunction with the construction of the Connector Road. The study will be updated for presentation at the hearing, including all recommendations and conclusions about traffic movement within the area studied.

6. The character of the buffer area and screening devices to be maintained including the dimensions and arrangements of all areas devoted to planting, lawns, trees or similar purposes.

The proposed buffer yard landscaping is shown on the Development Plan.

7. A description of the proposed methods of control of development in sufficient detail to indicate the noise, glare, air pollution, water pollution, fire hazards, traffic congestion, and other safety hazards to be produced.

Noise, glare, and air pollution other than what is normally found with residential development is not anticipated with the project.

Water pollution will be handled by Best Management Practices (BMPs) required by state, county, and local regulations.

There are no other fire hazards or safety issues anticipated with this development.

The updated traffic study will address any traffic related issues.

8. A description of the methods to be used for water supply treatment and disposal of sewage, wastes, refuse, and storm drainage.

Public water and sewer will be provided by the South Middleton Township Municipal Authority in accordance with willingness to serve letters, which have been requested. Solid waste and other refuse will be handled by the Township's contract hauler. Stormwater drainage will be managed on site.

CERTIFIED PROPERTY IDENTIFICATION NUMBERS	
40-09-0533-016 -	SOUTH MIDDLETON
40-09-0533-017 -	SOUTH MIDDLETON
40-09-0533-018 -	SOUTH MIDDLETON
40-09-0533-019 -	SOUTH MIDDLETON
CCGIS REGISTRY 06/11/2019 BY TB	

Tax Parcel No. 40-09-0533-016, 40-09-0533-017, 40-09-0533-18, 40-09-0533-019

Know all Men by these Presents

441

That I, Ronny R. Anderson, Sheriff of the County of Cumberland, In the State of Pennsylvania, for and in consideration of the sum of \$ 1.00 (One Dollar) do hereby grant and convey to **Riverfront Development, LLC**

Writ No. 2018-08287 Civil Term

Riverfront Development Associates, LLC
Vs
44 Carlisle SM Forge Associates, LLC

TRACT 1:

ALL THAT CERTAIN piece, parcel or tract of land being situated in the Township of South Middleton, County of Cumberland, State of Pennsylvania, being more fully bounded and described as follows, to-wit: BEGINNING on the steel rebar and southeastern most property corner of land now or formerly owned by Phillip D. and Tama M. Carey (Deed Book Q, Volume 33, at page 423, and Plan Book 47, at page 110); thence North 2 degrees 7 minutes 57 seconds West, a distance of 907.86 feet to a steel rebar marker; thence North 84 degrees 52 minutes 3 seconds East, a distance of 1819.80 feet to a point; thence North 13 degrees 35 minutes 6 seconds East, a distance of 360.76 feet to a point; thence South 75 degrees 9 minutes 1 second East, a distance of 313.82 feet to a point; thence South 70 degrees 11 minutes 35 seconds East, a distance of 600.04 feet to a point; thence South 1 degree 57 minutes 44 seconds East, a distance of 1978.04 feet to a steel rebar pin; thence South 1 degree 57 minutes 44 seconds East, a distance of 1621.49 feet to a point; thence North 58 degrees 54 minutes 15 seconds West, a distance of 3480.08 feet to a point; thence North 02 degrees 07 minutes 57 seconds, a distance of 657.99 feet to a point; thence North 87 degrees 52 minutes 03 seconds East, a distance of 150.00 feet to the point of BEGINNING.

SAID PREMISES BEING LESS, HOWEVER, a tract of land twenty (20) feet

in width along the eastern line thereof extending northwardly from Pa. Rt. 74, a distance of 1,386 feet, more or less, to land of Ivo V. Otto, Jr., together with the right to use said strip of land in common with Ralph C. Otto, his heirs, successors and assigns, for ingress, egress and regress to and from the within premises and Pa. Rt. 74. The cost of maintenance thereof to be borne equally by the users thereof.

TRACT 2:

ALL THAT CERTAIN piece, parcel or tract of land being situated in the Township of South Middleton, County of Cumberland, State of Pennsylvania, being more fully bounded and described as follows, to-wit: BEGINNING on the steel rebar and northeastern most property corner of land now or formerly owned by Joel B. and Patricia A. Frownfelter (Deed Book X, Volume 35, at page 658, and Plan Book 57, at page 110); thence North 84 degrees 52 minutes 3 seconds East, a distance of 924.88 feet to a point, this being the point of BEGINNING. Thence North 5 degrees 7 minutes 57 seconds West, a distance of 476.96 feet to a point; thence North 20 degrees 43 minutes 8 seconds East, a distance of 214.19 feet to a point; thence South 73 degrees 57 minutes 3 seconds East, a distance of 974.95 feet to a point; thence South 13 degrees 35 minutes 6 seconds West, a distance of 335.17 feet to a point; thence South 84 degrees 52 minutes 3 seconds West, a distance of 894.92 feet to the point of BEGINNING.

TRACT 3: ALL THAT CERTAIN piece, parcel or tract of land being situated in the Township of South Middleton, County of Cumberland, State of Pennsylvania, being more fully bounded and described as follows, to-wit: BEGINNING on the steel rebar and northeastern most property corner of land now or formerly owned by Joel B. and Patricia A. Frownfelter (Deed Book X, Volume 35, at page 658, and Plan Book 57, at page 110); thence South 84 degrees 52 minutes 3 seconds West, a distance of 125.7 feet to a point; thence North 2 degrees 44 minutes 57 seconds West, a distance of 610.12 feet to a point; thence North 4 degrees 54 minutes 57 seconds West, a distance of 250.00 feet to a point; thence North 85 degrees 5 minutes 3 seconds East, a distance of 203.80 feet to a point; thence South 68 degrees 39 minutes 40 seconds East, a distance of 435.45 feet to a point; thence South 19 degrees 38 minutes 13 seconds West, a distance of 362.80 feet to a point; thence South 70 degrees 21 minutes 47 seconds East, a distance of 428.05, feet to a point; thence North 6 degrees 12 minutes 52 seconds West, a distance of 153.06

feet to a point; thence North 19 degrees 38 minutes 13 seconds East, a distance of 216.71; thence South 73 degrees 57 minutes 3 seconds East, a distance of 50.16 feet to a point; thence South 20 degrees 43 minutes 8 seconds West, a distance of 214.19 feet to a point; thence South 5 degrees 7 minutes 57 seconds East, a distance of 476.96 feet to a point; thence South 84 degrees 52 minutes 3 seconds West, a distance of 924.88 feet to a point of BEGINNING.

TRACT 4: ALL THAT CERTAIN piece, parcel or tract of land being situated in the township of South Middleton, County of Cumberland, State of Pennsylvania, being more fully bounded and described as follows, to-wit: BEGINNING on the steel rebar and northeastern most property corner of land now or formerly owned by Joel B. and Patricia A. Frownfelter (Deed Book X, Volume 35, at page 658, and Plan Book 57, at page 110); thence South 84 degrees 52 minutes 3 seconds West, a distance of 610.12 feet to a point; thence North 4 degrees 54 minutes 57 seconds West, a distance of 250.00 feet to a point, this being the point of BEGINNING. Thence North 4 degrees 54 minutes 57 seconds West, a distance of 313.97 feet to a point; thence South 68 degrees 39 minutes 40 seconds East, a distance of 400.00 feet to a point; thence South 21 degrees 25 minutes 3 seconds West, a distance of 203.80 feet to a point; thence South 85 degrees 5 minutes 3 seconds West, a distance of 264.89 feet to the point of BEGINNING. ALL TRACTS LESS AND EXCEPTING ALL that certain parcel of land located in the Township of South Middleton, County of Cumberland, and Commonwealth of Pennsylvania, being shown and designated as Lot No.2 on a plan entitled "Final Minor Subdivision Plan for 44 Carlisle SM Forge Associates, LLC, and 44 Carlisle SM Two Associates, LP" by Dawood Associates, Inc., dated May 25, 2007, and last revised January 4, 2008, and being recorded in the Office of the Recorder of Deeds for the County of Cumberland, as Instrument No. 200813739, to wit:

BEGINNING at a concrete monument to be set on the line of lands now or formerly of Community Baptist Church; thence along said lands now or formerly of Community Baptist Church and lands now or formerly of Douglas M. and Lisa E. Baker, South 01 degrees 57 minutes 44 seconds East, a distance of 819.76 feet to a point on the northern dedicated right-of-way line of York Road (SR 0074), said point lying 30 feet from the centerline of the cart way; thence along said northern dedicated right-of-way line of York Road, the following seven (7) courses and distances:

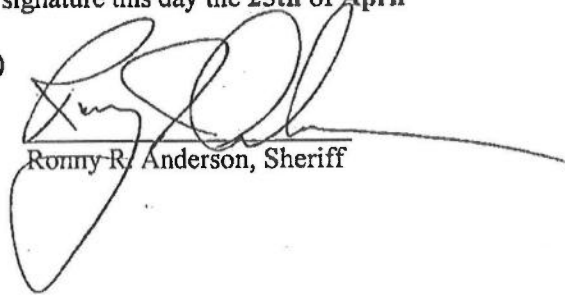
1. North 59 degrees 19 minutes 42 seconds West, a distance of 478.82 feet to a point;
2. North 59 degrees 19 minutes 17 seconds West, a distance of 210.22 feet to a point;
3. North 59 degrees 04 minutes 42 seconds West, a distance of 561.71 feet to a point;
4. North 59 degrees 14 minutes 44 seconds West, a distance of 656.63 feet to a point;

5. North 58 degrees 54 minutes 31 seconds West, a distance of 490.98 feet to a point;
6. North 58 degrees 33 minutes 13 seconds West, a distance of 238.02 feet to a point;
7. North 58 degrees 09 minutes 07 seconds West, a distance of 792.98 feet to a point;

Thence along a curve to the right having a radius of 50.00 feet, an arc length of 48.89 feet and a chord bearing and distance of North 30 degrees 08 minutes 32 seconds West, 46.96 feet to a point on the eastern dedicated right-of-way line (said point lying 35 feet from the property line, which runs by, along and through the roadbed) of Fairview Street (T-512); thence along said eastern dedicated right-of-way line, North 02 degrees 07 minutes 57 seconds West, a distance of 617.21 feet to a point on line of lands now or formerly of Phillip D. and Tama M. Carey; thence along said lands now or formerly of Carey, the following two (2) courses and distances: 1. North 87 degrees 52 minutes 03 seconds East, a distance of 115.00 feet to a point; 2. North 02 degrees 07 minutes 57 seconds West, a distance of 73.87 feet to a concrete monument to be set; Thence along Lot No. 1, South 59 degrees 17 minutes 42 seconds East, a distance of 3289.17 feet to a concrete monument to be set, the place of BEGINNING CONTAINING 53.534 acres, more or less. Said property is subject to the following as shown on previously referenced subdivision plan: 1. A proposed 60 feet wide access easement running along and near the eastern side of property; 2. A proposed 60 feet wide right-of-way (to be reserved for future public street, exact location will be determined at the time of land development planning) primary access for Lot No. 1 of said subdivision plan. BEING PART OF THE SAME premises conveyed to 44 Carlisle SM Forge Associates, LLC and 44 Carlisle SM Two Associates, LP, by deed from Jewel's Real Estate, LTD Partnership and 44 Carlisle SM Four Associates, L.P., dated December 30, 2006, and recorded January 23, 2007, in the Office of the Recorder of Deeds of the County of Cumberland, Pennsylvania, in Deed Book 278, at page 2513.

The same having been sold by me to the said grantee on the **6th** day of **March**
Anno Domini Two Thousand and **Nineteen (2019)** after due advertisement according to
law, under and by Virtue of a Writ of Execution issued on the **7th** of **December** Anno
Domini **2018** out of the Court of Common Pleas of Cumberland County, Pennsylvania, as
of Civil Term; Two Thousand and **Eighteen (2018)** Number **08287** at the suit of
Riverfront Development Associates, LLC –vs- 44 Carlisle SM Forge Associates, LLC

In Witness Whereof, I have hereunto affixed my signature this day the 25th of April
Anno Domini Two Thousand and Nineteen (2019)



Ronny R. Anderson, Sheriff

Commonwealth of Pennsylvania, ss.
County of Cumberland

Before the undersigned, Dale E. Sabadish, Prothonotary of the Court of Common
Pleas of Cumberland County, Pennsylvania, personally appeared Ronny R. Anderson,
Sheriff of Cumberland County aforesaid, and in due form of law declared that the facts
Set forth in the foregoing Deed are true, and that he acknowledged the same in order that
Said deed might be recorded. Witness my hand and seal of said Court, this day the 25th of
April Anno Domini Two Thousand and Nineteen (2019)



Dale E Sabadish
Prothonotary
Dale E Sabadish

Prothonotary, Cumberland County, Carlisle, PA
My Commission Expires the First Monday of Jan. 2022

I hereby certify that the residence
And Post Office address of the
Within Grantee is
44 Hersha Drive
Harrisburg, PA 17102



REALTY TRANSFER TAX STATEMENT OF VALUE

RECORDER'S USE ONLY

State Tax Paid	-0-
Book Number	201902.384
Page Number	
Date Recorded	6-11-2019

See reverse for instructions.

Complete each section and file in duplicate with Recorder of Deeds when (1) the full value/consideration is not set forth in the deed, (2) the deed is without consideration or by gift, or (3) a tax exemption is claimed. If more space is needed, please attach additional sheets. A Statement of Value (SOV) is not required if the transfer is wholly exempt from tax based on family relationship or public utility easement. However, it is recommended that a SOV accompany all documents filed for recording.

A. CORRESPONDENT - All inquiries may be directed to the following person:

Name Craig I. Adler, Esquire		Telephone Number: (717) 234-3289	
Mailing Address 355 N 21st Street, Suite 205		City Camp Hill	State ZIP Code PA 17011

B. TRANSFER DATA

Date of Acceptance of Document / /			
Grantor(s)/Lessor(s) Cumberland County Sheriff		Telephone Number:	
Mailing Address 1 N Courthouse Ave, Ste 303		Grantee(s)/Lessee(s) Riverfront Development, LLC	
City Carlisle		State ZIP Code PA 17013	Telephone Number:
		Mailing Address 44 Hersha Drive	
City Carlisle	State PA	ZIP Code 17013	City Harrisburg
			State ZIP Code PA 17102

C. REAL ESTATE LOCATION

Street Address 4 Parcels on Lisburn Road		City, Township, Borough South Middleton Twp	
County Cumberland	School District South Middleton SD	Tax Parcel Number 40-09-0533-016, -017, -018, -019	

D. VALUATION DATA

Was transaction part of an assignment or relocation? Y N

1. Actual Cash Consideration 1.00	2. Other Consideration + 0.00	3. Total Consideration = 1.00
4. County Assessed Value 291,000.00	5. Common Level Ratio Factor x 1.04	6. Fair Market Value = 302,640.00

E. EXEMPTION DATA - Refer to instructions for exemption status.

1a. Amount of Exemption Claimed \$ 302,640.00	1b. Percentage of Grantor's Interest in Real Estate 100 %	1c. Percentage of Grantor's Interest Conveyed 100 %
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2. Check Appropriate Box Below for Exemption Claimed.

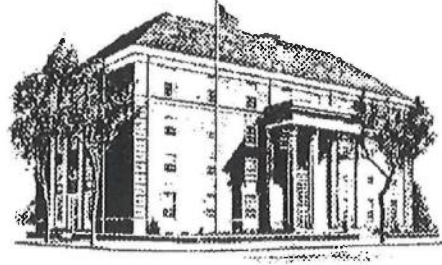
- Will or intestate succession. _____ (Name of Decedent) _____ (Estate File Number)
- Transfer to a trust. (Attach complete copy of trust agreement identifying all beneficiaries.)
- Transfer from a trust. Date of transfer into the trust _____
If trust was amended attach a copy of original and amended trust.
- Transfer between principal and agent/straw party. (Attach complete copy of agency/straw party agreement.)
- Transfers to the commonwealth, the U.S. and instrumentalities by gift, dedication, condemnation or in lieu of condemnation. (If condemnation or in lieu of condemnation, attach copy of resolution.)
- Transfer from mortgagor to a holder of a mortgage in default. (Attach copy of mortgage and note/assignment.)
- Corrective or confirmatory deed. (Attach complete copy of the deed to be corrected or confirmed.)
- Statutory corporate consolidation, merger or division. (Attach copy of articles.)
- Other (Please explain exemption claimed.) Sheriff's Sale under 91.193 b3

Under penalties of law, I declare that I have examined this statement, including accompanying information, and to the best of my knowledge and belief, it is true, correct and complete.

Signature of Correspondent or Responsible Party 	Date 03/20/19
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FAILURE TO COMPLETE THIS FORM PROPERLY OR ATTACH REQUESTED DOCUMENTATION MAY RESULT IN THE RECORDER'S REFUSAL TO RECORD THE DEED.

TAMMY SHEARER
RECORDER OF DEEDS
CUMBERLAND COUNTY
1 COURTHOUSE SQUARE
CARLISLE, PA 17013
717-240-6370



Instrument Number - 201912384

Recorded On 6/11/2019 At 11:05:08 AM

* Total Pages - 6

* Instrument Type - DEED-SHERIFFS

Invoice Number - 277560 User ID - BMM

* Grantor - 44 CARLISLE SM FORGE ASSOC LLC

* Grantee - RIVERFRONT DEVELOPMENT LLC

* Customer - SHERIFF

* FEES

STATE WRIT TAX	\$0.50
STATE JCS/ACCESS TO JUSTICE	\$40.25
RECORDING FEES - RECORDER OF DEEDS	\$12.50
PARCEL CERTIFICATION FEES	\$60.00
AFFORDABLE HOUSING	\$11.50
COUNTY ARCHIVES FEE	\$2.00
ROD ARCHIVES FEE	\$3.00
SOUTH MIDDLETON SCHOOL DISTRICT	\$0.00
SOUTH MIDDLETON TOWNSHIP	\$0.00
TOTAL PAID	\$129.75

Certification Page
DO NOT DETACH
This page is now part
of this legal document.

Cumberland County UPI Certification
On June 11, 2019 By TB

PARCEL IDENTIFICATION NUMBER

40-09-0533-016

40-09-0533-017

40-09-0533-018

40-09-0533-019

Total Parcels: 4

I Certify this to be recorded
in Cumberland County PA



RECORDER OF DEEDS

* - Information denoted by an asterisk may change during
the verification process and may not be reflected on this page.

001A66



REAL ESTATE PURCHASE AGREEMENT

THIS REAL ESTATE PURCHASE AGREEMENT (the "Agreement") is made and entered into as of the 29th day of August, 2022, by and between RIVERFRONT DEVELOPMENT LIMITED LIABILITY COMPANY, a Pennsylvania limited liability company, maintaining an address of 44 Hersha Drive, Harrisburg, PA 17102 ("Seller"), and NB LAND, LLC, a Pennsylvania limited liability company, maintaining an address of 3335 Morgantown Road, P.O. Box 7, Mohnnton, PA 19540 ("Purchaser").

WITNESSETH:

A. Seller is the owner of four (4) parcels of land consisting of 150 acres, more or less, together with all improvements located thereon, situate in the Township of South Middleton, Cumberland County, Pennsylvania (collectively, the "Property"). The Property is more fully described on Exhibit A attached hereto and made a part hereof, together with (i) any land lying in the bed of any street, road or alley, opened or proposed, abutting such land to the center line thereof, (ii) any easement, privilege or right-of-way inuring to the benefit of said land, and (iii) the appurtenances and hereditaments belonging or otherwise pertaining to said land. The Property is noted in the Cumberland County tax assessment records as Parcel ID #s 40-09-0533-016, 40-09-0533-017, 40-09-0533-018 and 40-09-0533-019. South Middleton Township is referred to in this Agreement as the Municipality.

B. Purchaser desires to purchase the Property in multiple phases in accordance with the terms of this Agreement for the purpose of developing the Property into a mixed residential community consisting of single-family dwelling units, duplex dwelling units, townhouse dwelling units, and multi-family dwelling units (collectively, the "Project"). Each dwelling unit is referred to individually as a "Dwelling Unit" and collectively as the "Dwelling Units".

NOW, THEREFORE, in consideration of the mutual covenants and conditions hereinafter set forth, the receipt and sufficiency of which is hereby acknowledged by the parties hereto, the Seller and Purchaser hereby agree as follows:

1. Agreement to Purchase. Subject to the terms and conditions of this Agreement and the above recitals which are by this reference incorporated herein, Seller agrees to sell to Purchaser and Purchaser agrees to purchase the Property from Seller.

2. Purchase Price.



The parties hereto have executed this Agreement as of the day and year first above written.

SELLER:

RIVERFRONT DEVELOPMENT LIMITED
LIABILITY COMPANY

Date: 8/29/2022

By: 
Name: Bharat Mehta
Title: Manager

PURCHASER:

NB LAND, LLC

By its Members

Date: _____

NOBLE ADVISORS, LLC

By: _____
Name: Gregory K. Millen
Title:

BERKS LAND, LLC

By: _____
Name: J. LaVern Horning
Title:

The parties hereto have executed this Agreement as of the day and year first above written.

SELLER:

RIVERFRONT DEVELOPMENT LIMITED LIABILITY COMPANY

Date: _____

By: _____

Name: Bharat Mehta

Title: Manager

PURCHASER:

NB LAND, LLC

By its Members

NOBLE ADVISORS, LLC

2022-08-29 | 3:48 PM EDT

Date: 2022-08-30 | 12:12 PM EDT

DocuSigned by:
By: Gregory K. Millen
9225C4207ABF435...
Name: Gregory K. Millen
Title:

BERKS LAND, LLC

DocuSigned by:
By: J. LaVern Horning
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Name: J. LaVern Horning
Title: