

SPECIAL MEETING  
SEPTEMBER 30, 1988

The Special Meeting of Council was called to order at 2 P.M. by President Stokes. Those attending the meeting included: Council members - Ditzler, Schmitt, Simpson, Heflin, Daniels, Songer, Witt, Attorney Oyler, Charles W. Sterner, Mayor Linn, Chief Potter, County Commissioner Collins, Attorney John White (County Solicitor), Richard Schmoyer (Director of Development for Adams County) Mr. VanArsdale and Don Detwiler.

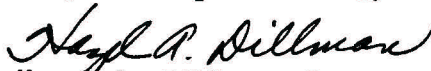
The purpose of the meeting - to discuss real estate matters relative to the Lincoln Square Complex.

President Stokes asked the press to leave the room in order to conduct an executive session, at the conclusion of which they were invited back into the meeting.

Motion Mr. Schmitt second by Mr. Songer Council adopt the resolution as prepared. Motion unanimously approved.

Moved Mr. Heflin second by Mrs. Simpson at 3:10 PM the meeting be adjourned. Motion carried.

Respectfully submitted,

  
Hazel A. Dillman, Boro. Sec.

## OFFER TO PURCHASE

Pursuant to a resolution duly adopted this 30th day of September, 1988, THE BOROUGH OF GETTYSBURG, a municipal corporation with its offices located at 34 East Middle Street, Gettysburg, Pennsylvania, (hereinafter referred to as "Purchaser") , offers to purchase from BULLET LAND, INC., a Pennsylvania Business Corporation, with its registered office at Pennsylvania Hall, Gettysburg College, Gettysburg, Pennsylvania, (hereinafter referred to as "Seller"), the real estate located in the Borough of Gettysburg, Adams County, Pennsylvania, known as the Scharf-Bigham Building, as more particularly described on Exhibit A attached hereto. The property shall include the land, all appurtenant rights, privileges and easements, and all buildings and fixtures in their present condition. The terms and conditions of this offer are as follows:

1. PURCHASE PRICE. The Purchaser shall pay for such property the sum of Four Hundred Fifty Thousand Dollars in cash or certified funds at the time of closing.

2. TITLE. The Seller shall at its expense furnish a good and sufficient deed of conveyance with special warranty. Seller shall convey good and marketable title such as shall be

insurable by a reputable title insurance company at regular rates, subject only to the following exceptions:

- a. Rights of tenants;
- b. Rights of the public to use those portions of the premises within the rights-of-way for York Street, Center Square, and an 8-foot alleyway;
- c. Public utility rights-of-way;
- d. Restrictions of record, if any;
- e. Zoning ordinance and regulations.

3. TRANSFER TAXES. Any realty transfer taxes shall be paid by Seller.

4. TAXES PRO-RATED. All real estate taxes and assessments shall be pro-rated on a fiscal year basis to the date of settlement as well as rents and water and sewer rents and charges.

5. POSSESSION AND CLOSING. If Seller accepts this Offer by writing delivered to Purchaser on or before September 30, 1989, then settlement shall take place in the office of the Seller's attorney, or some other place within Adams County, Pennsylvania, designated by Seller, on or before November 30, 1989. Time is of the essence of this Offer and any agreement

formed by the acceptance of the Offer. If this Offer is not so accepted by September 30, 1989, then it shall expire and be of no further effect. Possession shall be delivered to Purchaser at settlement.

6. INSURANCE. During any period after acceptance of this Offer and before settlement, Seller shall keep the property insured against fire and casualty. In consideration thereof, the Agreement created by such acceptance will not be cancelled or affected by reason of damage or destruction due to fire or other casualty. The net proceeds of any insurance collected by Seller prior to settlement will be paid or credited to Purchaser at settlement, and all unpaid claims or rights in connection with losses under any policies will be assigned to Purchaser at settlement. The amount of such unpaid claims will not, however, be credited on account of the purchase price. Purchaser may at its option insure its interest in said premises.

7. ACCEPTANCE. Upon Acceptance, this Offer shall become an Agreement binding upon and accruing to the benefit of the Purchaser and the Seller, their respective successors and assigns, and shall be deemed to contain all the terms and conditions agreed upon, it being agreed that there are no outside conditions, representations, warranties or other agreements, written or oral. This is a firm Offer and the



Purchaser shall not revoke this Offer at any time prior to its expiration date.

BOROUGH OF GETTYSBURG

ATTEST:

*Hazel A. Millman*  
Secretary

By: *Harry Stokes*  
President

Dated: *September 30, 1988*

PARCEL NO. 1 - Known as the Scharf & Bigham Building Property.

BEGINNING at a point on the Northern side of York Street at line of lot of The Gettysburg National Bank, which last named lot is known on the General Plan of the Borough of Gettysburg as Lot No. 83; thence Westward along said York Street and along the entire front of the lot known on the General Plan of said Borough as Lot No. 82, for a distance of 60 feet, more or less, to the Eastern line of Lincoln Square (formerly Center Square); thence Northward along the Eastern line of said Lincoln Square and the Western line of said Lot No. 82 for a distance of  $82\frac{1}{2}$  feet, more or less, to the Northern line of said Lincoln Square, at the corner of the lot known on the General Plan of said Borough as Lot No. 4; thence Westward along the Northern line of said Lincoln Square, being the Southern line of said Lot No. 4, for a distance of 8 feet, more or less, to the center of an alleyway running between the building erected upon the premises herein described and the building known as the Lincoln Square Building which is erected on Lot No. 3 and the Western portion of Lot No. 4 as referred to on the General Plan of said Borough; thence Northward through Lot No. 4 aforesaid and along line of lands of Lincoln Square Corporation for a distance of 99 feet, more or less, to a public alley, known as Racehorse Alley; thence Eastward along said public alley and along a portion of the Northern line of Lot No. 4 aforesaid and along the entire Northern line of Lot No. 82 aforesaid, for a total distance of 68 feet, more or less, to the Western line of Lot No. 83 aforesaid, now owned by The Gettysburg National Bank; thence Southward along the Western line of said Lot No. 83 for a distance of  $181\frac{1}{2}$  feet, more or less, to York Street, the place of BEGINNING.

Parcel No. 1 is improved with the building known as the Scharf & Bigham Building.

BOOK 365 PAGE 729

- 1 -

EXHIBIT "A"

## RESOLUTION

WHEREAS, the Borough of Gettysburg is in need of larger quarters to house its administrative and police offices as well as its council chamber and related facilities; and

WHEREAS, the so-called Scharf-Bigham Building property located at the northeast corner of the intersection of York Street with Lincoln Square may become available for purchase within the next year; and

WHEREAS, this Borough Council has considered and concluded that such premises would satisfactorily fill the Borough's needs and has also concluded, after considering the same, that such premises have a fair market value of \$450,000; and

WHEREAS, this Borough Council has determined that it would be in the best interests of this Borough to offer to buy such premises, if the same become available for purchase within one year from the date hereof, for a purchase price in that amount, or to purchase a one-half interest therein with the County of Adams for a price of one-half that amount; and

WHEREAS, if such purchase is consummated it is the intention of this Borough Council to use such premises to provide needed office space for the Borough operations.

NOW THEREFORE BE IT RESOLVED, that this Borough offer to purchase the premises of the Scharf-Bigham Building from the owner thereof for a price of \$450,000 if the same is offered to the Borough for purchase at that price within one year from the date hereof or, if the County of Adams desires to join in the purchase thereof, to purchase a one-half interest in such premises with that County for \$225,000;

FURTHER RESOLVED, that the President and Secretary of the Borough be, and they hereby are, authorized and directed, on behalf of this Borough, to enter into a binding agreement to purchase such premises if the same is offered for purchase to this Borough by the owner at that price within one year of the date of the adoption of this resolution.

CERTIFICATION

I do hereby certify that I am the duly qualified and acting Secretary of Gettysburg Borough Council and that the foregoing Resolutions were adopted at a special meeting of the Borough Council duly called and advertised at which a quorum was present and voted held on Friday, September 30, 1988, and that the same have not been revoked, altered or amended and remain in full force and effect.

  
Secretary

Date: September 30, 1988