

RAIL TRAIL THROUGH THE MEILY FARM 12.12.16/Jo Ellen Litz

First, both farmland and farmers are valued. The goal is for the farm and Rail Trail to co-exist.

As you may or may not know, both of my grandparents were farmers. My love of farming led me to help bring farm preservation to Lebanon County, even before I was a commissioner. As a commissioner, I helped to take out a bond issue and allocate funds to preserve farms, even sat on both the local and statewide farmland preservation Boards.

- (A) Next, I didn't know Richard Meily passed away, and on October 11 of this year, sent him a letter. At any rate, on or about October 18, I received word from the family heirs and their attorney George Christianson that Richard passed away. Out of respect, I waited a bit, but when asked to visit the farm, which I had been to before, on November 10, I took the opportunity to walk the trail with family members.

10.11.16 Letter to Richard. 10.18.16 Informed of Richard's death. 11.10.16 Farm visit.

- (B) **Findings:** Research prior to the 11.10.16 farm visit itemizes a "Farm" History: **1868 John Bomberger sold "the entire and exclusive possession" to the Railroad and their successors or assigns in perpetuity for \$4000.**

- (C) • Previously, the County offered to retain original railroad crossings and help improve a cattle crossing for Meily's machinery to access their fields. (Confirmation of allowable cattle and machinery crossing use was obtained from the Conservation District and given to Meily's).
- In **1974 Meily's bought the main farm with three railroad crossings**; one crossing was abandoned due to wetlands and equipment becoming too wide (12') that would not fit through the 10' wide tunnel.
 - In **1997 a sewer line ran through the rail-bed and under the bridge**, which further restricted passage.
 - **2001 the County both cooperated with and encouraged farming through Farm Preservation, and paid \$236,163 to preserve the Meily farm with taxpayer funds. The rail-bed was not preserved** with the Meily farm preservation transaction.
- (D) • The Railroad or their agents paid taxes on the linear parcel through 2012, when, upon purchasing the rail-bed, the County removed the linear parcel from the tax rolls to expand the Rail Trail. (Copies of tax bills were provided to Meily's.)
- (E) • In 2012, the Railroad sold the linear parcel to the County of Lebanon for \$87,500, which was paid for with a DCNR grant.
- It is my understanding that three entities--Lebanon County, the Farmland Preservation Board, and North Lebanon Township agree that the County owns the rail bed.
 - The DCNR grant prohibits the County from selling or turning over use of the trail for other than the intended purpose at purchase.
- (G) • **2013 After the reassessment, again the County encouraged farming through a Clean and Green agreement that also excludes the rail bed, and to this day reduces taxes on the main farmland.**
- Two more unofficial crossings were established by Meily's. To encourage farming and be good neighbors, I advocate for the Meily's to be allowed to continue using these two additional and the two remaining original crossings (4 total) after the Rail Trail is completed. This would allow access to all of their fields.
 - **The Farm also has access via Tunnel Hill Road and Long Lane.** The pink represents approximately the four existing crossings and dirt roads. The green represents hypothetical dirt roads. The current farmer lives on Long Lane.

10.11.2016

Dear Richard:

I fondly recall Lois' love of the community and all of the effort she put into extending the Union Canal so



that the boats can provide rides for visitors and raise funds to support the Union Canal Tunnel Park. She couldn't get past the

next farm to fulfill her dream, but we are so grateful for her efforts. I saw Lois as a pioneer of sorts, preserving history, and paving the way for tourism and recreation in this community. She was a wonderful example of doing what's best for the people in a world that is often harsh. In 1998, I remember "Honey" the mule pulling the Canal Boat as well as the day we started working on the north side. We passed a few rocks up a chain of people lined up along the rising bank. It was a joyous day.



More recently, I had the honor of organizing and paddling through the Union Canal Tunnel to facilitate participants of Fireball Run, an international Road Rally that looks for missing children. I think Lois would be

pleased.



After the death of my younger brother, Danny, I also remember your family's kindness to Angela, my niece. You all have a special place in my heart.

It is with Lois' example that I reach out to ask for your

cooperation to honor her memory by helping to fulfill a dream of many people, including me, to extend the Rail Trail north from the Union Canal Tunnel toward Jonestown along the Lebanon to Tremont Rail line. In so doing, we will connect schools, businesses, and other trails for the enjoyment of this and future generations of children. With your help, we can bring a section of the Trail that runs through the Meilly farm to fruition.

From all of the information shared with me from the County, I truly believe that the County owns the line, and wants to be a good neighbor by facilitating existing crossings to accommodate farming between your and a neighbor/relative's farm. Therefore, I am personally asking your consideration for a standard landlord/tenant agreement and an annual "Certificate of Insurance" from you to move the Rail Trail forward. Unfortunately, we don't have an endless pot of money to accommodate additional amenities.

Anything you can do in the near future to accommodate this arrangement will be greatly appreciated.

Sincerely and Respectfully,

A handwritten signature in cursive script that reads "Jo Ellen Litz". The signature is written in black ink and is positioned above the typed name.

Jo Ellen Litz

2200-1000

Whereas, The Philadelphia and Reading Railroad Company have ascertained, fixed, marked and determined the route for the Lebanon and Pine Grove Branch of their railroad through and upon lands of John Bomberger in North Lebanon Township, Lebanon County, State of Pennsylvania, and have occupied, or intend to occupy, for the purposes of the said Railroad, a strip or piece of the said land of sixty feet in width or thirty feet on either side of the centre line and described by reference to its centre line as follows, viz. Beginning at Station Number Eleven hundred and three plus ninety-eight where the location of the said railroad crosses the line dividing the said lands of John Bomberger from those of Joseph Suwely thence by a curve of Five degrees to the north four hundred and fifty nine feet to Station Six hundred and ninety nine plus thirty nine thence north fourteen degrees and twenty nine minutes west twenty nine hundred and one feet to station Ten hundred and seventy plus thirty eight where the location of the said railroad crosses the line dividing the lands of John Bomberger from those of Joseph Kridler containing Four and Sixty Three hundred acres a map or plan whereof is thereto annexed. Now Know all men by these Presents: That I, the said John Bomberger do well for and in consideration of the advantages to be derived by me by reason of the location and construction of the said Railroad as of the sum of Four Thousand dollars unto me in hand paid by the said The Philadelphia and Reading Railroad Company at and before the sealing and delivery hereof the receipt hereof is hereby acknowledged, have remised, released, quit claimed and forever discharged, and by these presents do remise, release, quit claim and forever discharge the said The Philadelphia and Reading Railroad Company their successors and assigns, of and from all debts, claims, demands and damages whatever, for, upon, or by reason of their entry upon and taking and occupying the above described piece or strip of land, and the location and construction thereon of the said railroad and works connected therewith, And for myself my heirs, executors, administrators and assigns, I do hereby covenant and agree to and with the said The Philadelphia and Reading Railroad Company their successors and assigns, that they, the said The Philadelphia and Reading Railroad Company their successors or assigns, shall never be required, to erect or maintain any fence along the lines dividing the above described piece or strip of land from the adjoining lands belonging to me; and further, that no remises of the above described piece or strip of land, or any part or portion thereof, by the said The Philadelphia and Reading Railroad Company their successors or assigns, or no user, occupation or possession thereof, or of any part thereof, by me, my heirs, executors, administrators or assigns, whether by residence, cultivation, enclosure, or otherwise, for any period of time whatever for twenty one years, or longer, shall in any manner affect the right or title of the said The Philadelphia and Reading Railroad Company their successors and assigns, to the entire and exclusive possession of the same. In witness whereof, I have hereunto set my hand and seal this Twenty first day of July in the year of our Lord one thousand eight hundred and Sixty Eight.

Find plan map

Signed, Sealed and delivered in our presence
 John Bomberger
 M. Kittinger
 Adam Kittinger
 Stamp Seal
 John Bomberger

The original deed says that time is not a factor. Whether it is an electric or gas line, road or railroad, all utilities and transportation arteries probably have a similar exclusion clause-- 1868 Deed: I do hereby covenant and agree to and with the said...Railroad, their successors and assigns, that they...shall never be required to erect or maintain a fence along the lines dividing the...strip of land or any part or portion thereof...,by me, my heirs, executors...whether by residence, enclosure or otherwise, for any period of time whatever for twenty-one years, or longer, shall in any manner affect the right or title of the said...Railroad, their successors and assigns to the entire and exclusive possession as the same. Witness Whereof, I have set my hand and seal--John Bomberger.

(B)

DEED
1868

Lebanon County Tax Assessment Office



Roads

Buildings

Buildings Under Construction

County Boundary



LESS AND EXCEPTING all that certain eighty (80) foot wide recreational easement extending in a westerly direction from the westerly right of way line of the Lebanon and Tremont Branch of the Reading Railroad and situate in North Lebanon Township, Lebanon County, Pennsylvania, as shown on a plan prepared by MLS Associates, Inc., Drawing Number ML097, dated August 23, 2000 and last revised September 19, 2000 and being more fully bounded and described as follows:

BEGINNING at a point in the westerly right of way line of the Lebanon and Tremont Branch of the Reading Railroad, distance fifty (50) feet westwardly measured at right angles from the centerline thereof; thence in a southeasterly direction, parallel to and distance fifty (50) feet measured at right angles from the said centerline South 14 degrees 22 minutes 04 seconds East, ninety-two and sixty-nine hundredths (92.69) feet to a point; thence through lands of Richard H. and Lois H. Meilly, the following two courses and distances; (1) North 74 degrees 01 minute 44 seconds West, two hundred eleven and eighty hundredths (211.80) feet to a point; and (2) North 69 degrees 36 minutes 04 seconds West, two hundred twenty-one and eighty-nine hundredths (221.89) feet to a point in line of lands now or formerly of William F. and Carol Ann Christ, said point being located in the centerline of a ten (10') foot wide drive; thence along lands now or formerly of William F. and Carol Ann Christ and lands of Richard H. and Lois H. Meilly the following five courses and distances; (1) along the middle of a paved drive North 32 degrees 29 minutes 51 seconds East, forty and ninety-one hundredths (40.91) feet to a point; (2) North 60 degrees 19 minutes 55 seconds West, three hundred fifty-two and thirty-four hundredths (352.34) feet to a 1/2" iron pipe; (3) North 32 degrees 07 minutes 05 seconds East, ten and fifty hundredths (10.50) feet to a point on the south wall of lock over the abandoned Union Canal; (4) thence along the south wall of lock North 61 degrees 22 minutes 55 seconds West, forty-seven and twenty-five hundredths (47.25) feet to a point on the south wall of lock; (5) North 44 degrees 55 minutes 55 seconds West, ninety-nine and fourteen hundredths (99.14) feet to a point measured twenty (20') feet northwardly at a right angle from the centerline of the abandoned Union Canal; thence through lands of Richard H. and Lois H. Meilly the following four courses and distances; (1) South 62 degrees 06 minutes 11 seconds East, three hundred nineteen and thirty-six hundredths (319.36) feet to a point; (2) South 56 degrees 15 minutes 47 seconds East, one hundred seventy-six and ten hundredths (176.10) feet to a point in the middle of a stone driveway; (3) South 71 degrees 35 minutes 18 seconds East, two hundred four and fourteen hundredths (204.14) feet to a point and (4) South 74 degrees 01 minute 44 seconds East one hundred sixty-two and fifty-eight hundredths (162.58) feet to the place of BEGINNING. CONTAINING 1.1145 acres.

ALSO LESS AND EXCEPTING eighty (80) foot wide recreational easement extending in an easterly direction from the easterly right of way line of the Lebanon and Tremont Branch of the Reading Railroad and situate in North Lebanon Township, Lebanon County, Pennsylvania, as shown on a plan prepared by MLS Associates, Inc., drawing number ML097, dated August 23, 2000 and last revised September 19, 2000 and being more fully bounded and described as follows:

BK0237PG0051

BEGINNING at a point in the easterly right of way line of the Lebanon and Tremont Branch of the Reading Railroad, distance fifty (50) feet eastwardly measured at right angles from the centerline thereof; thence in a northwesterly direction, parallel to and distance fifty (50) feet measured at right angles from the said centerline North 14 degrees 22 minutes 04 seconds West, eighty-seven and seventy-one hundredths (87.71) feet to a point; thence through lands of Richard H. and Lois H. Meilly the following two courses and distances; (1) South 80 degrees 09 minutes 35 seconds East, four hundred sixty-four and eighteen hundredths (464.18) feet to a point and (2) North 89 degrees 52 minutes 28 seconds East, one hundred forty-four and sixty-nine hundredths (144.69) feet to a point in line of lands now or formerly of Harvey B. and Kathy L. Bomgardner; thence along the same and lands now or formerly of Richard H. and Lois H. Meilly South 09 degrees 10 minutes 54 seconds East, eighty-one and one hundredth (81.01) feet to a stone; thence through lands of Richard H. and Lois H. Meilly the following two courses and distances; (1) South 89 degrees 52 minutes 28 seconds West, one hundred sixty-four and forty-two hundredths (164.42) feet to a point and (2) North 80 degrees 09 minutes 35 seconds West, four hundred thirty-five and nineteen hundredths (435.19) feet to the place of BEGINNING. CONTAINING 1.1097 acres of land.

BK0237PG0052

①
Farm Reservation Document

Date: 10/24/16

Lebanon County Treasurer

Time: 13:09:49

Tax payments inquiry - bills collected by County Treasurer Screen 11

Property 27:2323640-376432-0000 Located at N OF TUNNEL HILL RD
has received the following County tax bills - Old ID 27:055-200R-0000
Control number 38031322

③
TAXES

Year	Type	Bill date	Amount	Date paid	Paid by
2016	Co/Muni	3/01/2016	Exempt / .00		* NOT PAID *
2013	Co/Muni	3/01/2013	.00		* NOT PAID *
2012	Co/Muni	3/01/2012	33.00	6/18/2012	PAGNOTTI ENTERPRISES INC
2011	Co/Muni	3/01/2011	32.45	6/27/2011	PAGNOTTI ENTERPRISES INC
2010	Co/Muni	3/01/2010	31.35	6/11/2010	PAGNOTTI ENTERPRISES INC
2009	Co/Muni	3/01/2009	30.80	6/10/2009	PAGNOTTI ENTERPRISES INC
2008	Co/Muni	3/01/2008	17.05	6/12/2008	PAGNOTTI ENTERPRISES INC
2007	Co/Muni	3/01/2007	17.05	6/15/2007	PAGNOTTI ENTERPRISES INC
2006	Co/Muni	3/01/2006	17.05	6/26/2006	PAGNOTTI ENTERPRISES, INC
2005	Co/Muni	3/01/2005	17.05	6/27/2005	R P HUGHES LAND DEVELOPME
2004	Co/Muni	3/01/2004	13.75	6/23/2004	READING R/W COMPANY INC

Bottom

Enter 1 to view bill detail

F2=Return to search F3=Exit program
 F10=Select search F12=Search again F15=List all taxes

(F)

COUNTY DEED

UPI: 27-2323640-376432-0000
27-2323176-378618-0000
27-2322992-379612-0000
32-2323549-383642-0000
32-2323336-385580-0000
32-2321089-389704-0000
32-2320018-391182-0000
33-2318354-398931-0000
33-2318198-401937-0000

QUITCLAIM DEED

made the 14th day of September 2012,

BETWEEN

READING R/W COMPANY, INC., a Pennsylvania Corporation, hereinafter called Grantor,

AND

COUNTY OF LEBANON, a Fifth Class County, of Lebanon County, Pennsylvania, hereinafter called Grantee,

WITNESSETH, that the said Grantor for and in consideration of the sum of EIGHTY-SEVEN THOUSAND FIVE HUNDRED DOLLARS (\$87,500.00) paid by the said Grantee to the said Grantor, at and before the signing and delivery of these presents, the receipt whereof is hereby acknowledged, have remised, released, and quitclaimed, and by these presents do remise, release and quitclaim unto the said Grantee and Grantee's heirs, successors and assigns all of the Grantor's right, title and interest in and to the premises known as and being more fully described on Exhibit "A" attached hereto and incorporated herein as if textually set forth at length;

TOGETHER with all of the Grantor's right, title, interest in and to the buildings, improvements, woods, ways, rights, liberties, privileges, hereditaments and appurtenances, to the same belonging, or in any wise appertaining, and any reversions, remainders, rents, issues and profits thereof, and of every part and parcel thereof, including any interests specifically set forth on Exhibit "A", if any. And also, all the estate, right, title, interest, property, possession, claim and demand whatsoever, both in law and equity, of the Grantor of, in and to the same.

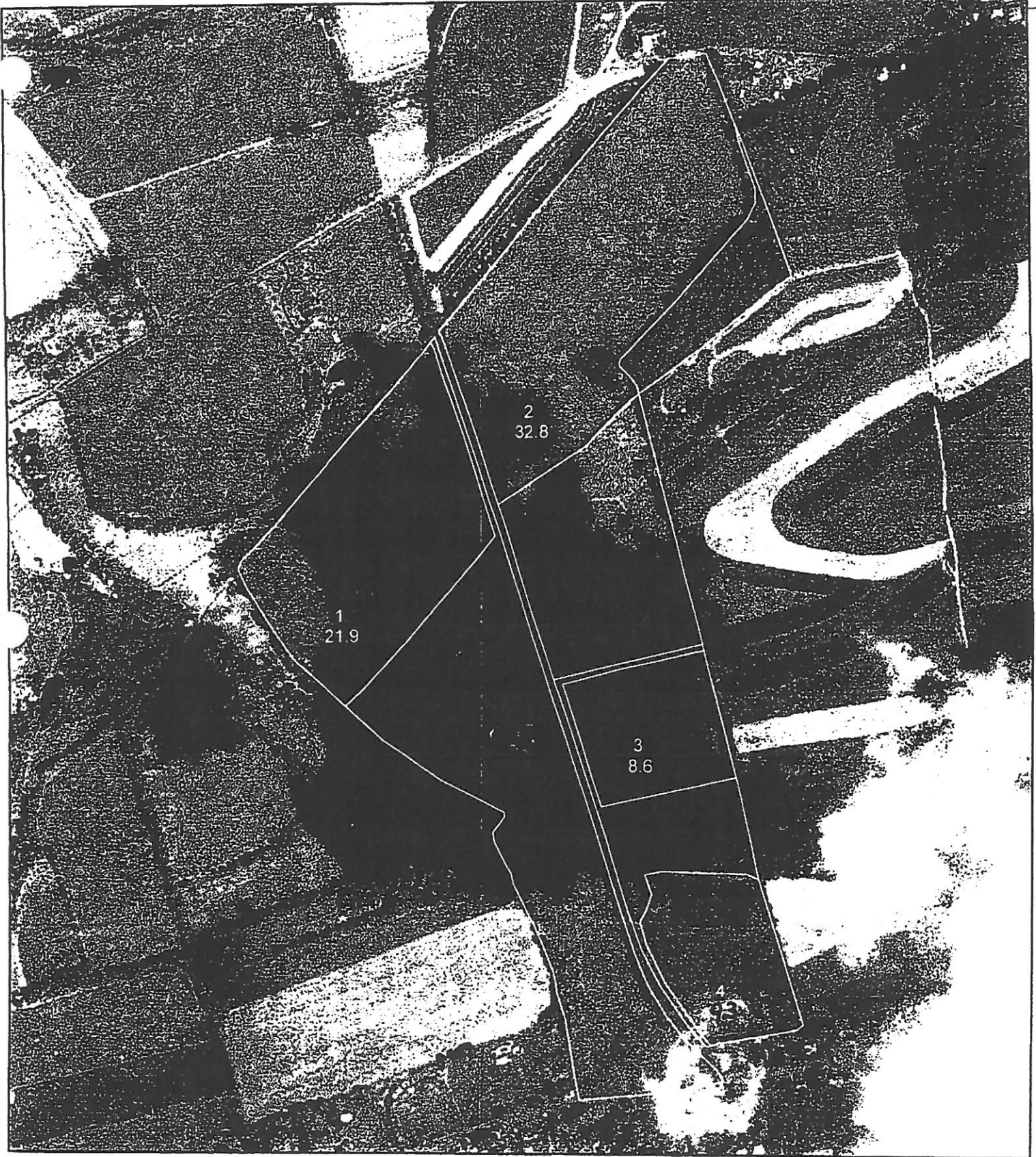
THIS PROPERTY, or interest in property, was either acquired with or donated as a match for funds provided by the Pennsylvania Department of Conservation and Natural Resources

Farm 797
Tract 990

RECEIVED SEP 26 2011

Owner: Richard H. Meily
Operator: MILE-EE FARMS

cream + cream
G



United States Department of Agriculture
Farm Service Agency



CLU Boundary
● Wetland Points

CROPLAND: 72.6

Current FSA acreage used;

Digital Photography Year: 2004

New acreage will be effective for 2008 crop year.

Clear + Green

G

Soils Map Farm 797 / T990

Customer(s): RICHARD H MEILY
Date: 2/9/2007

Agency: NRCS
Field Office: LEBANON SERVICE CENTER



Legend



Planned Land Units
Soil Types

SCALE: 1" = 660'



Stream Crossing

Improve water quality, reduce stream-bank and streambed erosion, and provide access to other land units by maintaining constructed structures to provide a travel way for people, livestock, equipment or vehicles. Stream Crossing shall be installed or developed in compliance with all Federal, State and/or Local laws and regulations. Refer to the conservation plan map for the fields that Stream Crossing is to be implemented. Follow the Operation and Maintenance Plan that is included in the design packet.

Field	Planned Amount	Month	Year	Applied Amount	Date
5	1 no	6	2002	1400 no	6/30/2002
6	1 no	6	2002	1 no	6/30/2002
Total:	2 no			1401 no	

Stream Crossing

Improve water quality, reduce stream-bank and streambed erosion, and provide access to other land units by maintaining the constructed structures to provide a travel way for people, livestock, equipment or vehicles. Stream Crossing shall be installed or developed in compliance with all Federal, State and/or Local laws and regulations. Refer to the conservation plan map for the fields that Stream Crossing is to be implemented. Follow the Operation and Maintenance Plan that is included in the design packet.

Field	Planned Amount	Month	Year	Applied Amount	Date
7	2 no	6	2002	1900 no	6/30/2002
Total:	2 no			1900 no	

Wetland Wildlife Habitat Management

Retain, create, or manage wetland habitat for water fowl, fur bearers, or other wildlife.

Field	Planned Amount	Month	Year	Applied Amount	Date
6	0.3 ac	8	2008		
6	0.3 ac	8	2009		
6	0.3 ac	8	2011		
Total:	0.9 ac				

Wildlife

Tract: 990

Riparian Forest Buffer

Maintain area of grass, trees and/or shrubs adjacent to water bodies

Field	Planned Amount	Month	Year	Applied Amount	Date
10	6.2 ac	6	1980	6.2 ac	6/1/1980
Total:	6.2 ac			6.2 ac	