

**Prepared By/
Return to:** Stacey R. MacNeal, Esquire
Barley Snyder LLP
100 East Market Street
York, PA 17401
717-718-7586

Parcel No. 27-000-RE-0029.B0-00000
27-000-RE-0029.E0-00000

TERMINATION OF EASEMENT

THIS TERMINATION OF EASEMENT, dated as of the ____ day of _____, 2024, by and between **ROBIN WILEY**, an adult individual having an address at 101A Spanglers Mill Road, New Cumberland, PA 17070 ("**Wiley**"), and **SIENNA FEE SIMPLE, LLC**, a Pennsylvania limited liability company having an address at 1454 Baltimore Street, Suite A, Hanover, PA 17331 ("**Sienna**").

BACKGROUND:

A. Pursuant to a certain Memorandum of Covenants recorded in the Office of the Recorder of Deeds in and for York County, Pennsylvania on January 30, 2019 in Book 2504 beginning at Page 3138 (the "**Memorandum**"), real estate now owned by Wiley and identified by Parcel No. **27-000-RE-0029.E0-00000** (hereinafter, "**101A Spanglers Mill Road**") was granted an access easement for the benefit of 101A Spanglers Mill Road over certain lands now owned by Sienna and identified by Parcel No. **27-000-RE-0029.B0-00000** (hereinafter, "**Limekiln Road Property**"), with the Limekiln Road Property being the burdened party by such access easement (hereinafter, the "**Access Easement.**")

B. The Access Easement is further depicted on a certain Subdivision Plan recorded in the Office of the Recorder of Deeds in and for York County, Pennsylvania in Book 2504 beginning at Page 3108, which notes the Access Easement as being ten (10) feet in width and being given for the benefit of the property depicted as Lot 2 as shown on the said Subdivision Plan (101A Spanglers Mill Road being one and the same as the aforesaid Lot 2).

C. Subsequent to the granting of the Access Easement, Sienna obtained fee simple title to the Limekiln Road Property by virtue of a Deed recorded April 13, 2023 in Office of the Recorder of Deeds in and for York County, Pennsylvania in Book 2775 beginning at Page 6005. In addition, subsequent to the granting of the Access Easement, Wiley obtained fee simple title to 101A Spanglers Mill Road pursuant to a Deed recorded in the Office of the Recorder of Deeds in and for York County, Pennsylvania on January 18, 2024 in Book 2812 beginning at Page 8555.

D. Wiley, as fee simple owner of 101A Spanglers Mill Road, and Sienna, as fee simple owner of the Limekiln Road Property, have determined that the Access Easement should be terminated, allowing Sienna the full use of the portion of the Limekiln Road Property encumbered

by the Access Easement, and specifically, but not by way of limitation, allowing for development of the Limekiln Road Property as the same will be unencumbered by the Access Easement.

NOW THEREFORE, intending to be legally bound, the parties agree as follows:

1. The Access Easement is hereby terminated effective as of the date of recording of this instrument, and shall be of no force and effect, and neither Wiley nor Sienna has any further obligation to the other arising out of the Access Easement except as specifically set forth in that Agreement to Relinquish Access Easement and Provide Utility Easement executed simultaneous with this Termination of Easement.

2. This Termination of Easement may be executed in counterparts, each of which shall be deemed an original and all of which, taken together, shall constitute one and the same instrument; and

3. This Termination of Easement shall bind the parties hereto and their successors and assigns.

IN WITNESS WHEREOF, the undersigned have executed this Termination of Easement the day and year first above written to be effective as of and from the effective date as further set forth above.

WITNESS/ATTEST:

Robin Wiley
Robin Wiley
Date: April 10th, 2024

[Signature]

SIENNA FEE SIMPLE, LLC
By: [Signature]
Name: Bryce Gregory Burkentine
Title: Authorized Member
Date: April 10th, 2024

COMMONWEALTH OF PENNSYLVANIA :
 :
COUNTY OF _____ : SS.
 :

On this, the ____ day of _____, 2024, before me, the undersigned officer, personally appeared Robin Wiley, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged that he/she executed the same for the purposes therein contained.

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

Notary Public
My commission expires:

COMMONWEALTH OF PENNSYLVANIA :
 :
COUNTY OF York : SS.
 :

On this, the 10 day of April, 2024, before me, the undersigned officer, personally appeared, Bryce Gregory Burkentine, who acknowledged himself to be the Authorized Member of Sienna Fee Simple, LLC, and that he as such officer being duly authorized to do so, executed the foregoing instrument for the purposes therein contained by signing the name of the company by himself as such officer.

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

Amanda L. Laughman
Notary Public
My commission expires: February 19 2028

Commonwealth of Pennsylvania - Notary Seal
Amanda L. Laughman, Notary Public
York County
My commission expires February 19, 2028
Commission number 1364692
Member, Pennsylvania Association of Notaries

**AGREEMENT TO RELINQUISH ACCESS EASEMENT
AND PROVIDE UTILITY EASEMENT**

THIS AGREEMENT is made this ____ day of April, 2024, by and between Sienna Fee Simple, LLC, a Pennsylvania limited liability company (“Sienna”) and Burkentine & Sons Builders, Inc., a Pennsylvania corporation (“Burkentine”), both with an address of 1454 Baltimore Street, Hanover, Pennsylvania and Robin Wiley, an adult individual, with an address of 101A Spanglers Mill Road, New Cumberland, Pennsylvania.

BACKGROUND

- A. Sienna is the owner of property located in Fairview Township, York County, Pennsylvania adjacent Limekiln Road and Spanglers Mill Road known more specifically as Parcel ID number 27-000-RE-0029.B0-00000 (the “Sienna Property”).
- B. Wiley is the owner of property located in Fairview Township, York County at 101A Spanglers Mill Road known more specifically as Parcel ID number 27-000-RE-0029.E0-00000 (the “Wiley Property”).
- C. The Sienna Property is subject to an existing access easement for the benefit of the Wiley Property as set forth in a Memorandum of Covenants recorded in the York County Recorder of Deeds Office in Book 2504 at Page 3138 (the “Access Easement”).
- D. The Sienna Property is the subject of a Final Land Development Plan as recorded in the York County Recorder of Deeds Office in Book 2806 at Page 5682 (the “Plan”).
- E. The Plan shows that the Access Easement is to be terminated.
- F. The Wiley Property has frontage along from Spanglers Mill Road, a state road, and the Access Easement is not necessary for the Wiley Property.
- G. The Wiley Property will require future connection to public water and sewer systems, which can be provided through the Sienna Property.

NOW, THEREFORE, intending to be legal bound hereby, the Parties agree as follows:

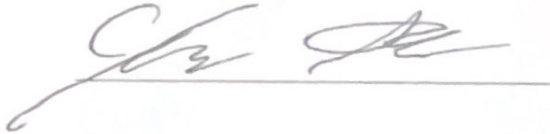
1. Simultaneous with the execution of this Agreement, Wiley shall execute and deliver a Termination of Easement Agreement in recordable form in consideration for the payment to Wiley by Burkentine of Fifty Thousand Dollars (\$50,000.00).
2. Sienna and Burkentine hereby agree that they shall, at their sole cost, provide a utility easement and stubs for water and sewer connections, along with proper approvals and permits necessary for Wiley to connect to public water and public sewer, at a location on the Wiley Property that is mutually agreeable to the Parties hereto for the purpose of connection of the Wiley Property to public water and sewer. Sienna and Burkentine will begin this work promptly upon Wiley providing to them the approximate location of said water and sewer stubs.
3. This Agreement contains the entire agreement between the Parties and cannot be amended except in a writing executed by all parties hereto.

SIGNATURES TO FOLLOW

IN WITNESS WHEREOF, the Parties have set their signature the date above first written.

WITNESS:

SIENNA FEE SIMPLE, LLC




By: 
Name: Byrd E. Derwent
Title: member

WITNESS:

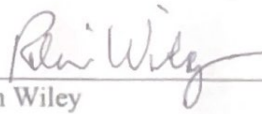
BURKENTINE & SONS BUILDERS, INC.



By: 
Name: Byrd E. Burkentine
Title: member

WITNESS:




Robin Wiley