



PENNMARK MANAGEMENT COMPANY, INC.

Board of Supervisors

Mount Joy Township

159 Merts Drive

Elizabethtown, PA 17022

VIA USPS & EMAIL: Justin@mtjoytwp.org

October 12, 2022

Re: Pennmark Management Company Zoning Change Petition

Dear Board Members,

This communication is written on behalf of Elizabethtown Mt Joy, LLC, care of Pennmark Management Company, Inc. (hereafter, the "Applicant"), the fee owner of various parcels of land totaling 72 acres, plus another equitable interest in approximately 10 acres, all located along and near Rout 230 through Mount Joy Township (hereafter, the "Township"). The land has been acquired and compiled over 44 years, starting in 1977 with the explicit intent of developing the parcels in accordance with the Regional Strategic Plan and the Mount Joy Township Land Use Assumptions Report.

Presently, all parcels owned by the Applicant, to the west of Cloverleaf Road, are zoned Commercial (C-2), while the parcels to the east of Cloverleaf Road maintain two zoning districts: Limited Commercial (C-1) & Agricultural (A). By the instant petition, the Applicant seeks to alter its C-1 and A zoning to General Commercial District (C-2), with certain text amendments assigned thereto.

Enclosed, in support of the petition are the following:

1. A one-thousand-dollar (\$1,000) check to Mt. Joy TWP - filing fee
2. A two hundred fifty-dollar (\$250) check to Lancaster County Planning Commission - filing fee
3. Seven (7) copies of the Tyson Foods letter indicating acquiescing to the zoning change proposal.
4. Seven (7) copies of the legal description(s) of the properties to be rezoned
5. Seven (7) copies of the existing zoning map overlayed with the propped parcels to be rezoned
6. Seven (7) copies of the conceptual site plan for the project
7. Seven (7) copies of the narrative providing justification for zoning change
8. Seven (7) copies of the proposed zoning change Petition

Pennmark understands that the Township Solicitor will be preparing the proposed zoning change, with text amendment, in accordance with this request and provided sample; the Applicant agrees to reimburse the Township for cost incurred related thereto in excess of the filing fee.

Thank you kindly.

Very Truly Yours,

Craig T. Edwards, Esquire

Enclosure

cc: Justin Evans, Township Manager

Plymouth Greene Office Campus

1000 Germantown Pike • Suite A-2 • Plymouth Meeting, PA 19462 • Phone: 610-272-6500 • Fax: 610-272-9450

www.pennmarkproperties.com



PENNMARK MANAGEMENT COMPANY, INC.

ZONING CHANGE WITH TEXT AMENDMENT

APPLICATION NARRATIVE

1. Introduction

The Applicant is the owner and/or equitable owner of five (5) parcels or portions of land located within Mount Joy Township, Lancaster County, Pennsylvania (collectively, the "Property") along with additional, complementary and somewhat contiguous parcels of land within the Township (collectively, the "Project Site") for the purposes of development and improvement in some manner consistent with the path of development in accordance with the needs of the community.

The Applicant is, and has been, in the process of acquiring the Project Site for future development since 1977 in anticipation of the necessity for an appropriate commercial application so as to potentially render the slated use integral to the Township and the public. The Project Site is well placed along the route 230 commercial corridor, with ample access to additional roadways, which makes it perfectly situated for its intended use, to include a Wawa, Aldi's and other, similar, commercial, retail and restaurant uses.

NORLANCO SQUARE

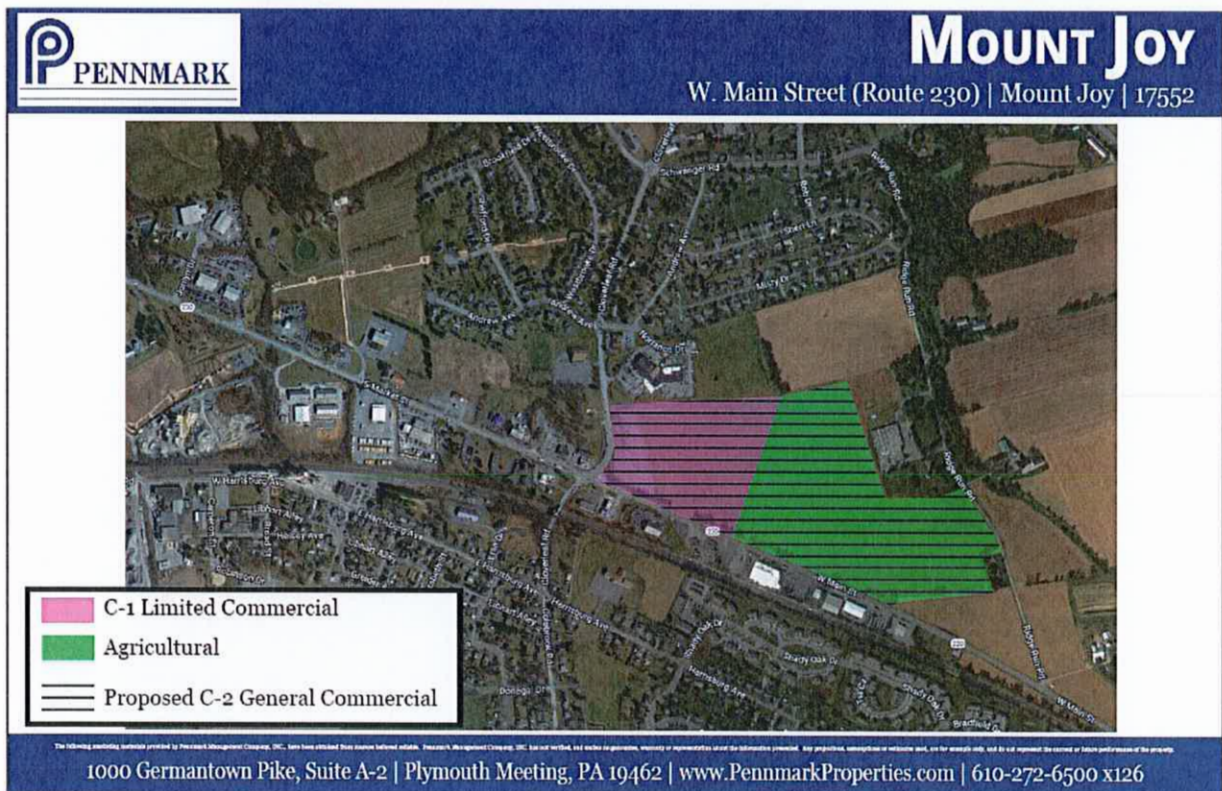


Initial concept rendering showing Wawa on the lower left corner and a potential Aldi location just above Wawa. Concept only, subject to change (including the "Center" designated name).



PENNMARK MANAGEMENT COMPANY, INC.

At present, the western portion of the Property is zoned C-1 Limited Commercial and the eastern portion of the Property is zoned Agricultural. In order to implement the forethought, vision and intended use of the Township and Region, the Applicant seeks to conform with the community vision and be part of implementing the same, while improving the traffic issues and providing a much-needed application, especially considering the number of approved residences, which shall come to fruition rapidly.



Existing zoning with proposed C-2 Commercial zoning change.

Absent the necessary zoning-change approval, as sought herein, the opportunity to keep pace with the slated and substantial residential improvements and expansion may be doomed as there is no better location for such commercial expansion and certainly no better Applicant with sufficient resources, expertise and real estate ownership to accomplish the goals of the community.

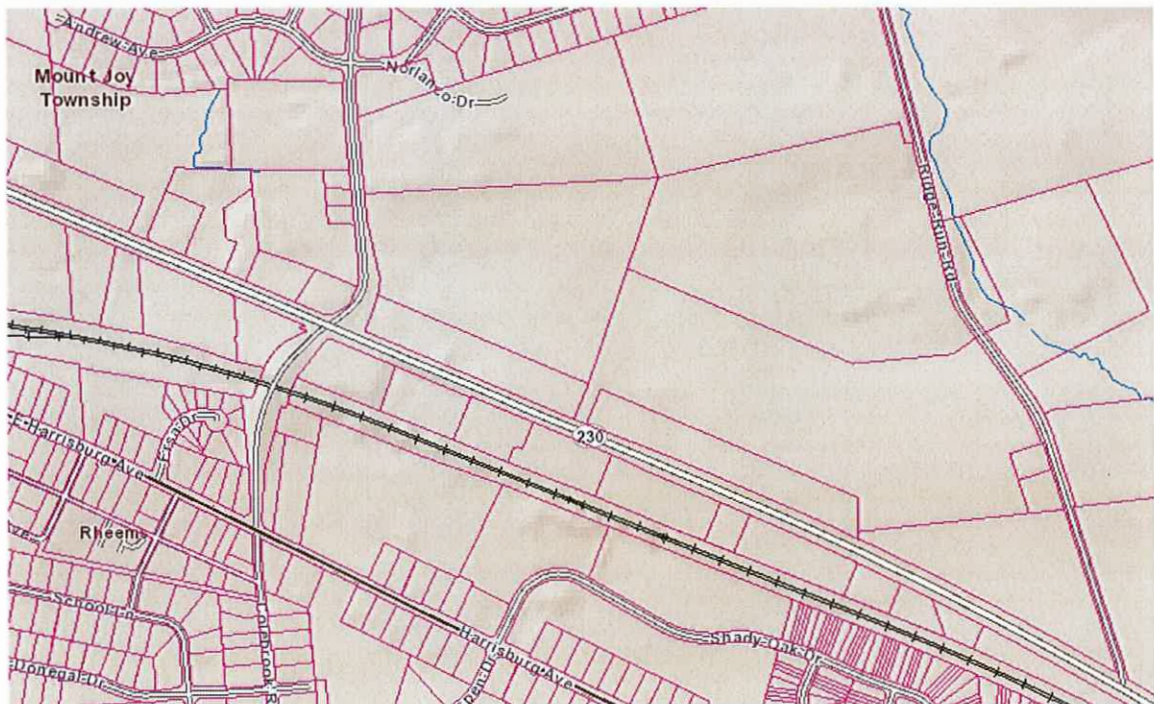


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2. Background

a. The Property

The Property is the subject of and included within a forty-four (44) year acquisition process, with eleven (11) separate purchases, totaling (with expenses) more than five million dollars (\$5,000,000).



Mount Joy tax map showing proposed parcels slated for change and surrounding tax parcels

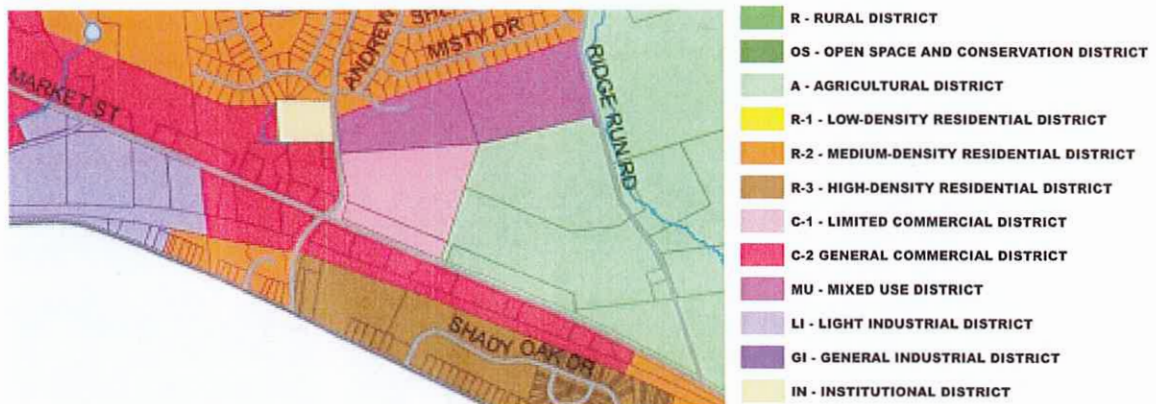
Furthermore, the Property is centrally located in the Township, about half-way between Mt. Joy Borough and Elizabethtown Borough, Pennsylvania – along route 230, to the west of Cloverleaf Road, within the C-1 Commercial and Agriculture Districts, bordering the C-2 Commercial District to the west and south (on the other side of Route 230). The western portion of the Property is bordered by Cloverleaf Road, with the Site extending beyond Cloverleaf Road further to the west, while the eastern portion of the Property is bordered by Ridge Run Road.

A portion of the Property is under Agreement with Tyson Foods for subdivision and ultimate purchase (the “Tyson” portion), which includes specific permission for the instant zoning change application relative to the portion slated for future in-fee ownership by the Applicant.



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The Property is within a long-term planning area for both the Township and "region," and within the Urban Growth boundary for the County of Lancaster. Furthermore, the area is served by a full range of utilities and infrastructure. To wit: Not only can the local area and this specific Property accommodate the proposed and intended development, as set forth in this narrative, but the development may be an integral part of the Township's ability to remain current with the necessary and practical needs of its residents.



Mount Joy Existing zoning designation with key

On December 22, 2015, the Township published the Mount Joy Township Land Use Assumptions Report, where, on the projected Land Development Page, the Township indicates that on the Applicant's original four (4) parcels of 55.4 acres, the Township sought 400,000 Square Feet of Commercial Development Yield, with the estimated time frame anticipated to be within six (6) to ten (10) years (from 12/22/15) or by approximately 2021 to 2025. The Applicant's timeline for development, subject to the sought zoning change herein, meets the stated Township goals and planning.

Furthermore, on December 23, 2015, the township published the Mount Joy Township Roadway Sufficiency Analysis where the table on page 8 assumes 679,719 SF of retail will be built, of which the Applicant's project would consume over 58% of the total.

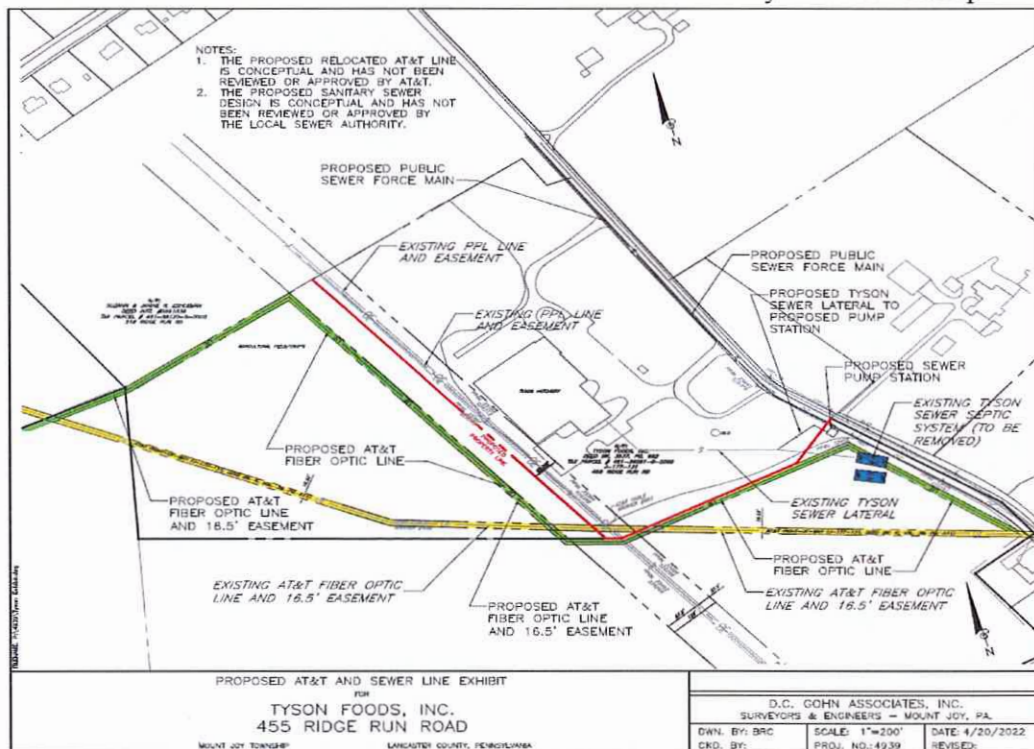
Additionally, on February 16, 2016, the township published the Mount Joy Township Capital Improvements Plan, which utilized the previously mentioned



PENNMARK MANAGEMENT COMPANY, INC.

Land Use Assumptions and Roadway Sufficiency Analysis, where the township lays out the following Road Improvement Plan:

- \$24.6 MM in total improvements
- 37% of this is to be funded by a 209 Plan or \$8.8MM
- An estimate of the fully developed 85-acre site would provide 209 Fees of over \$3MM or over 34% of the total 209 collected by the Township



Tyson subdivision, memorialized by written/executed Agreement

The Applicant produced a Fiscal Impact Study to understand the cost benefits to the area, which concluded that upon full development of the proposed Plan:

- The Applicant's development will add no school-aged children
- Additional services and retail options may be needed as the Township has over 2,000 new houses in the development "que" at present
- The development contemplates potential of **\$700,000 in additional annual Real Estate Taxes** with over **550 permanent new jobs**
- The Applicant's commercial development forecasts over **\$15,000,000 in annual payroll** subject to **Local Earned Income Tax**

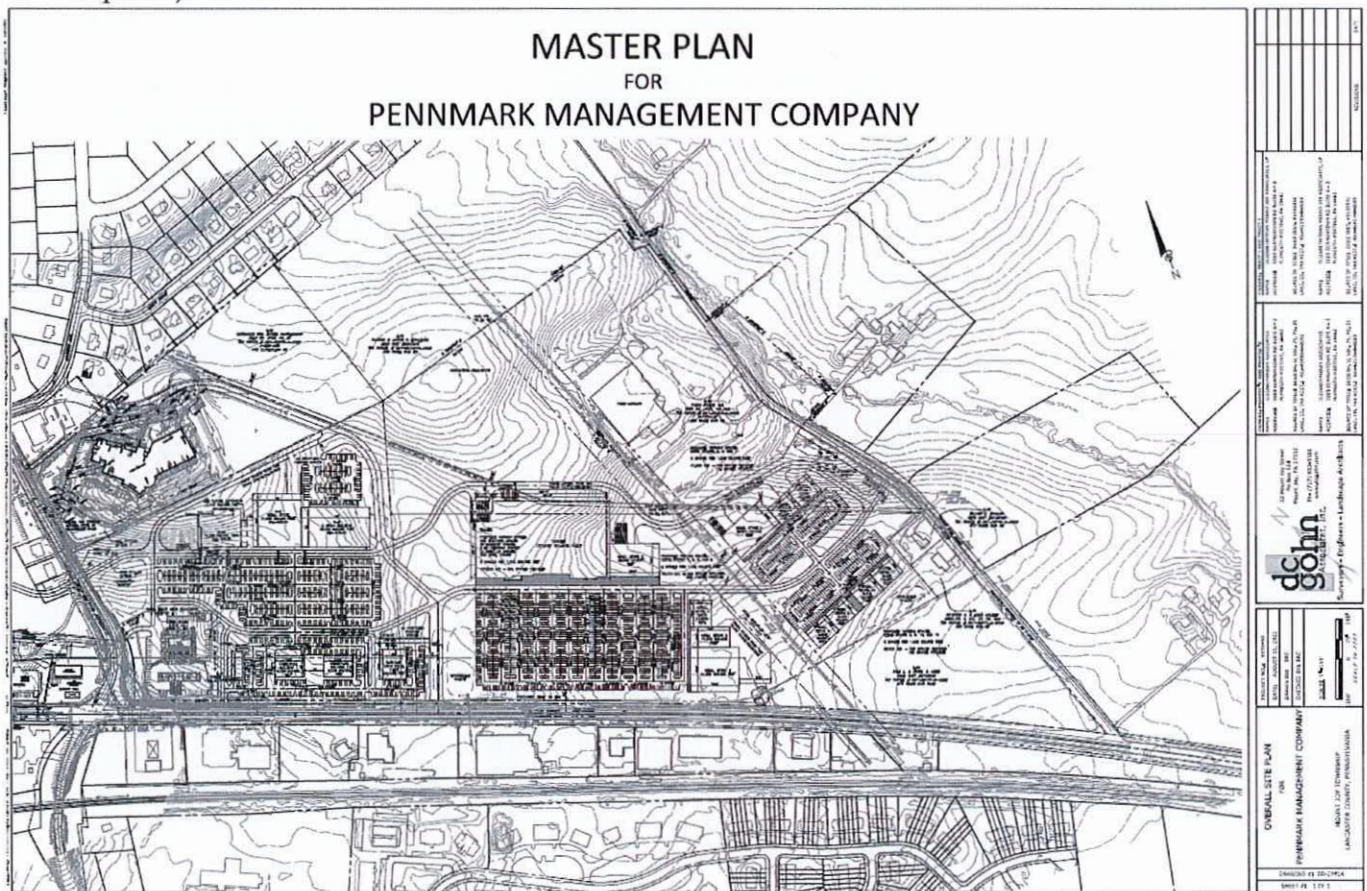


PENNMARK MANAGEMENT COMPANY, INC.

The Applicant's commercial development, with zoning change, accomplishes the Regional, County and Township's long-term planning goals - via private enterprise.

3. Proposed Project

As depicted below, the Applicant proposes, by way of the instant zoning change, with text amendment, to build-out, in phases, a commercial retail development to include such tenants as Aldi's and Wawa (with whom the Applicant already has leases in-place). The



Master Plan for C-2 Commercial Development (work-in-progress)



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a. Traffic Study

The second of two traffic studies is complete, offering comprehensive results for a *fully commercial development*, in accordance with the code requirements of §135-310 "Required traffic impact study submittals." The Applicant, on information and belief, hold-forth that the study submission under this chapter, complies with Chapter 119 "Subdivision and Land Development" as per the code requirements of §135-310. If additional provisions for traffic studies are required for a particular use – as with this development, compliance with such additional provisions is demonstrated at this time with the procured and comprehensive study, recently completed in accordance with the COMMERCIAL ONLY use, in lieu of the previous study, which encompassed some residential mixed-use planning on the parcels at issue. The Applicant shall submit the same, electronically – or in such form as requested, to the Township of Mount Joy upon request and in due course so as to conform with Township demands and zoning code mandates. The study – as shown – is approximately nine inches (9") in height and includes significant detail.



NEW (2nd) Traffic Study – commercial ONLY



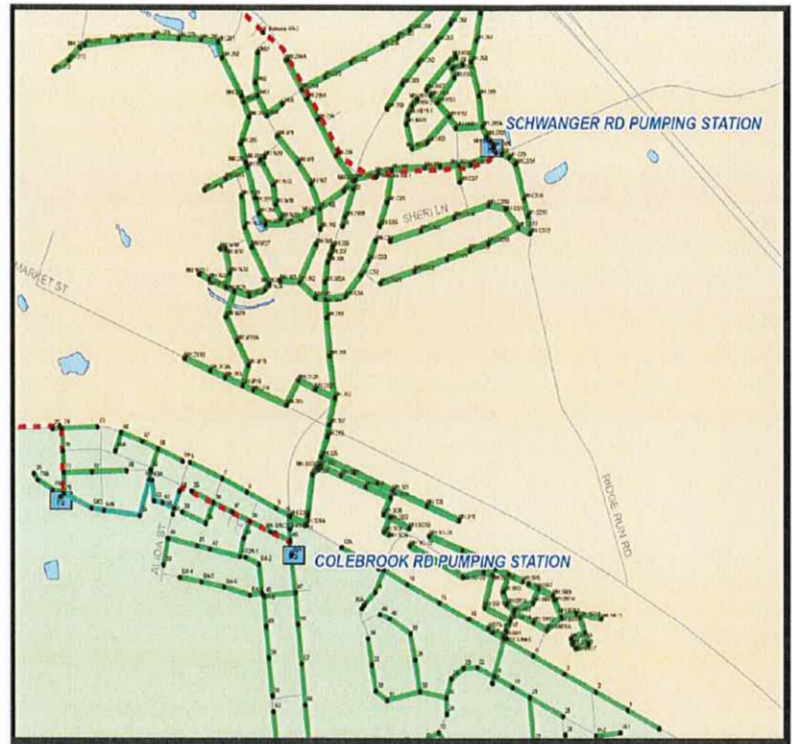
PENNMARK MANAGEMENT COMPANY, INC.

b. Sewer

The Applicant has purchased significant EDUs so as to partially or fully supply the necessary sewer to the Site, for the intended and proposed use(s). The Applicant is planning a "Fully Built Out Retail Site," including its properties and the acquired land from Tyson, which may require approximately 123 Total EDU's.

In a 2003 signed agreement, the Applicant paid for and was guaranteed 15,390 gallons per day. At the time, the calculation above was based upon 270/Gallons per day; thus, the Applicant paid for 57 EDU's

With current assumptions based-upon 235 gallons per day, the Applicant may be entitled to 65 EDU's
The Applicant is guaranteed capacity at the Colebrook Pumping Station, which presently has excess capacity



Mount Joy Township Sewer Map

4. Proposed Zoning Amendment – Rezoning

The purpose of §135, Article XIV C-2 General Commercial District, is to (quoting) “accommodate the needs for distribution of goods and services to the consumer in a retail and/or professional office setting in accordance with the Regional Strategic Plan. The uses provided in this district are meant to serve local resident as well as motorists passing through the area.”



PENNMARK MANAGEMENT COMPANY, INC.

Regional Strategic Plan



Adopted April 29, 2010

The eastern most portion of the Property was formerly zoned commercial until the October 16, 2006 MJTBS Minutes, page 3, subparagraph d(f) "to rezone lands outside of the Urban Growth Boundary to Agricultural District (A)." To the Applicant's knowledge and belief, the zoning was altered from Commercial to Agriculture absent the "Urban Growth Boundary" being defined, which may have been premature, as evidenced by the long-term planning goals as presently stated by the County, "region" and Township.

By the instant Zoning Amendment, acquiescing to the C-2 rezone, would alter the zoning from Agriculture (A) back to a Commercial District, in this case C-2, while applying the proposed Text Amendment(s), so as to accommodate actual and intended use, which remains most conducive to the community, region and Township.

Conclusion

In short, *and to be blunt*, the Agricultural zoning for the parcel at issue does not comport with the long-term planning goals of the local community and should *not* have been changed from Commercial to Agricultural zoning absent a clear definition of the "Urban Growth Boundary," but now that the Boundary has been defined, to include the Site at issue, the zoning change (with text amendment) *should be* axiomatic along with the C-1 matriculation to C-2, complete with a comprehensive Text Amendment addition and supplement (*infra*).

Thus, the Applicant respectfully and humbly petitions the Township of Mount Joy to work with the Applicant to assist, promote and establish a community-oriented commercial project that *ideally* fits with the County, Township and regional planning and provides much-needed services and purchasing options in thoughtful anticipation of the future needs of the surrounding residents. Private enterprise combined with flexible government oversight, by way of the instant C-2 Commercial zoning change, will achieve the highest and best use.

Plymouth Greene Office Campus

1000 Germantown Pike • Suite A-2 • Plymouth Meeting, PA 19462 • Phone: 610-272-6500 • Fax: 610-272-9450

www.pennmarkproperties.com

TOWNSHIP OF MOUNT JOY

Lancaster County, Pennsylvania

RESOLUTION No.

AN ORDINANCE OF THE TOWNSHIP OF MOUNT JOY, LANCASTER COUNTY, PENNSYLVANIA, TO AMEND THE MOUNT JOY TOWNSHIP ZONING ORDINANCE OF 2012, AS AMENDED – and ZONING MAP, TO CHANGE THE ZONING CLASSIFICATION FOR THE TRACTS OF LAND IDENTIFIED AS TAX PARCELS NO. _____ FROM C-1 COMMERCIAL and AGRICULTURAL TO C-2 COMMERCIAL, WITH THE ADDITIONAL TEXT AMENDMENTS, AS STATED HEREIN:

BE IT HEREBY ORDAINED AND ENACTED by the Board of Supervisors of Mount Joy Township, Lancaster County, Pennsylvania, as follows:

1. §135-133. **Special Exception Uses** in Article XIV. C-2 – General Commercial District shall hereby remove letter “G” that restricts or otherwise limits “Vehicular fueling stations, including those fueling stations that are provided as an accessory use to a retail establishment or convenience store, in accordance with §135-268,” thereby making the same a by-rite permitted use in Section 135-132(G).
2. §135-133. **Special Exception Uses** in Article XIV. C-2 – General Commercial District shall hereby remove letter “L” that restricts or otherwise limits “Retail Stores and shopping centers in excess of 10,000 square feet,” thereby making the same a by-rite permitted use in Section 135-132(L).
3. §135-133. **Special Exception Uses** in Article XIV. C-2 – General Commercial District shall hereby remove letter “P” that restricts or otherwise limits “Accessory structures and uses customarily incidental to the above special exception uses” in Section 135-132(P).
4. Moreover, in §135-256, “Special Standards Governing Retail Stores and Shopping Centers in excess of 10,000 square,” **remove all references to *Special Exception*** as well as the *Zoning Hearing Board* references.
5. §135-135 shall be amended to allow for Commercial C-2 Zoning under this subsection, which shall comply with the following standards:
 - a. Within Commercial C-2 land may be subdivided for sale or leasing purposes without regard to individual lotting standards, provided that the development of those lots complies with the Commercial C-2 regulations and is an integral part of the center’s plan. Access to individual lots so created shall be taken only from within the planned Commercial C-2.
 - b. Commercial C-2 Developments shall be created following a single unified plan, with a fully coordinated system of interior traffic access, coordinated traffic circulation, and coordinated parking.
 - c. Where the Board of Supervisors has approved plans for a Commercial C-2 Development, individual units, buildings, or parcels of land within the Commercial C-2 Development may be leased, purchased, subdivided, sold and mortgaged, as individual zero lot line units with zero lot setbacks for internal parking and building lines if developed as a single unified plan, provided that such leasing subdivision, or sales does not change the unified plan recorded for the C-2 Commercial Development.

- d. Deeds conveying parts thereof shall contain covenants requiring purchasers at all times to operate and maintain such parts in good order and repair and in a clean and sanitary condition uniformly with the appearance and maintenance of the balance of the Commercial C-2 Development.
 - e. The failure of any purchaser to so covenant and agree shall thereby subject the proposed division of the lot or part thereof to the Zoning Ordinance and Subdivision and Land Development Ordinance of Mount Joy Township.
 - f. Each Retail use located within the Commercial C-2 shall provide reciprocal access easements for its parking aisles and driveways, guaranteeing access to all lots that were developed pursuant to the approved land development plan for the Commercial C-2 Development.
 - g. Each use located within the Commercial C-2 Development, shall comply with the performance and design standards contained in this subsection.
6. C-2 Commercial Zoning, and in particular, the Applicant's C-2 zoned property, shall be subject to and eligible for Tax Increment Financing (TIF) in accordance with the **Tax Increment Financing Act of July 11, 1990** as amended, 53 P.S. 6930.1 et seq. (the "TIF Act") if/when the Township of Mount Joy implements a TIF district and/or overlay that includes the Applicant's various owned parcels within the Township of Mount Joy, in accordance with Pennsylvania law.
7. The "Ultimate Right of Way" references and restrictions relative to Route 230 and Ridge Run Road as it pertains to the C-2 Commercial Zone, shall be removed.
8. Park and Ride Requirements references and restrictions as it pertains to the C-2 Commercial Zone, shall be Amended to mandate such Park and Ride Requirements be extended and mandated for parcels of land two point five (2.5) miles or greater from the intersections and roadways specified, which cause said Park and Ride requirements to be enacted and mandated.
9. Delete ANY reference to additional setback if the zoning "COULD BE used for residential," making said setbacks only in effect when the use IS actually residential in function.
10. Nevertheless, developer shall remain obligated to demonstrate compliance with all of the specific standards as part of the land development application and review process

DULY ORDAINED AND ENACTED this ____ day of _____, 2022, by the Board of Supervisors of Mount Joy Township, Lancaster County, Pennsylvania, in lawful session duly assembled.

Attest: _____
Secretary

By: _____
Chairman of the Board

LEGAL DESCRIPTION

of
Lot Area from Tyson Foods Inc to Elizabethtown Mount Joy Associates, L.P.
at
Tyson Foods Inc.
455 Ridge Run Road
in
Mount Joy Township
Lancaster County, Pennsylvania

ALL THAT CERTAIN tract of land lying on the west side of Ridge Run Road, in Mount Joy Township, County of Lancaster, Commonwealth of Pennsylvania, being more particularly described as follows:

From a **POINT OF BEGINNING** at the southerly property line of N/F Tyson Foods Inc. at the PP&L Right of Way and a distance of 34.86 feet west from the ¾" found rebar; (1) thence along the southerly property line of N/F Tyson Foods Inc to the west, North 67 degrees 58 minutes 21 seconds West, a distance of 1,058.34 feet to a ¾" rebar found at corner of lands of N/F Elizabethtown Associates; (2) thence along lands of N/F Elizabethtown Associates, North 18 degrees 07 minutes 50 seconds East, a distance of 428.37 feet to a concrete monument found at the corner of the lands of N/F Norlanco Real Estate Partnership and N/F Suzann and Janine R. Eshelman; (3) thence along the southerly property line of N/F Suzann and Janine R. Eshelman, North 76 degrees 22 minutes 44 seconds East, a distance of 521.56 feet to a point; (4) thence along N/F Tyson Foods Inc, South 20 degrees 11 minutes 36 seconds East, a distance of 987.57 feet to the **POINT OF BEGINNING**.

ABOVE DESCRIBED LAND CONTAINING an area of 11.065 acres, or 482,002.25 square feet and subject to an existing AT&T Right of Way, J-177-131, Deed Book K, Volume 38, Page 511 and an existing PP&L Right of Way, J-177-131

(Cont'd.)

TRACT NO. 2

BEGINNING at a point in the center line of Pennsylvania Route No. 230 said point being sixty feet Southeast of a corner of Tract No. 1 and also a corner of lands now or late of Monroe Garber; thence by lands now or late of Monroe Garber running parallel sixty feet with Tract No. 1 North twenty-eight degrees seventeen minutes East two hundred ten feet to a stake; thence by lands now or late of Monroe Garber South sixty-one degrees forty-three minutes East twelve hundred forty-five and forty-two hundredths feet to a stake; thence by lands now or late of Monroe Garber and John Kreider, respectively, South four degrees twenty-nine minutes West two hundred twenty-nine and fifty-one hundredths feet to a point said point being seven and thirty-six hundredths feet North of the center line of Pennsylvania Route No. 2380; thence in Pennsylvania Route No. 230 North sixty one degrees forty-three minutes West thirteen hundred thirty-eight and four hundredths feet to the place of beginning.

BEING Tax Parcel No. (461) 9D8-1-2

Weaver

ALL THOSE TWO CERTAIN tracts of land situate along the Northeast side of Pennsylvania Route No. 230 in the Township of Mount Joy, County of Lancaster and Commonwealth of Pennsylvania bounded and described in accordance with survey made by Paul F. Diehm, Registered Surveyor dated October 26, 1964 as follows:

TRACT NO. 1

BEGINNING at a point in the center of the Southwestern corner of the hereinbefore described seven degrees thirty-six minutes East North no degrees fifty-four minutes East line of pin a corner of lands now or late of Garber the two following courses and distances to wit: one hundred sixty-eight and twenty hundred minutes West two hundred ten feet thence in the center line of said Route No. 230 eleven hundred eighteen and fifty-six feet

point being the North forty-four feet and six inches to an iron pin of Monroe three minutes ten seconds seventeen minutes West of Route No. 230; thence West

Olweiler

EXCEPTING THEREOUT AND

ALL THAT CERTAIN lot or piece of land situate in the Township of Mount Joy, County of Lancaster and Commonwealth of Pennsylvania Corporation by deed of the Lancaster County Recorder of Deeds Office on July 10, 1975 in Record Book R, volume 00, page 1091.

es, Inc., a
Recorder of Deeds

ALL THAT CERTAIN lot or piece of land conveyed to the Commonwealth of Pennsylvania for condemnation dated August 31, 1970 and recorded in the Recorder of Deeds Office in and for Lancaster County of December 7, 1970 in Record Book N, Volume 60 Page 815.

79753

AUG 17 1977

No. 311-F - For Single Dated - Typewritten - Corporation
Tax & License Co. Philadelphia

This Indenture Made the 10th

day of August in the year of our Lord one thousand nine hundred and seventy-seven (1977) Between

ELIZABETHTOWN ASSOCIATES, INC., a Pennsylvania corporation

ELIZABETH

Witness

One dollar
money of
Grant
hereby released
confirmed,
confirm and
partnership

Promises "A"

ALL THAT CE
Leg. Rts. 30
County, Penn
January 2, 1
as follows:

BEGINNING at
point being 1
171.95 feet north of the intersection of the
north line of Pa. Leg. Rts. 120 and the east line of Pa. Leg. Rts. 36004; thence
along the west line of Pa. Leg. Rts. 36004, the following three (3) courses and
distances: (1) in a line curving to the left, having the radius of 494.43 feet
and an arc distance of 72.49 feet, the chord of said arc being North 8 degrees 14
minutes 33 seconds East, a distance of 72.42 feet to a point; (2) North 15 degrees
30 minutes 25 seconds West, a distance of 243.07 feet to a point; and (3) West
5 degrees 09 minutes 40 seconds West, a distance of 123.49 feet to a point, a
corner of lands belonging to Northwest Lancaster County Medical Association;
thence along the same, and crossing a 16.5 foot right of way for the American
Telephone and Telegraph Co., North 66 degrees 49 minutes 10 seconds East, a
distance of 1,314.32 feet to an iron pin, a corner of other land belonging to, now
or late, John K. Garburi; thence along the same, and recrossing said 16.5 foot
wide right of way, for the American Telephone and Telegraph Co., South 18 degrees
50 minutes 05 seconds West, a distance of 972.78 feet to an iron pin, a corner of
land belonging to, now or late, Ellen K. Garburi; thence along the same, North 67
degrees 12 minutes 50 seconds West, a distance of 1,020.73 feet to a point on the
east right of way line of Pa. Leg. Rts. 36004, the place of BEGINNING.

CONTAINING 10.150 acres.

U 71 21

orig

22 Acres

of the one part, and

of the other part;
a sum of

lawful
paid by the said
script whereof is
ed, released and
off, release and
of for, as

side of Pa.
ancaster
Inc., dated
described

BEING, as to Premises "A" the same premises which John K. Garbar and Katharine H. Garbar, his wife, by Deed dated August 1, 1974 and recorded in Lancaster County, Pennsylvania on August 1, 1974 in Record Book O Volume 65 Page 733 granted and conveyed unto Elizabethtown Associates, Inc.

Premises "A"

ALSO ALL THAT CERTAIN piece, parcel, or tract of land SITUATE at the northeast corner of Pa. Leg. Rte. 3800E, and Pa. Leg. Rte. 129, in Mount Joy Township, Lancaster County, Pennsylvania, as shown on a plan prepared by Ruth Engineers, Inc. dated January 2, 1973, Drawing No. EA-960, and being more fully bounded and described as follows:

BEGINNING at a point at the intersection of the east right of way line of Pa. Leg. Rte. 36004, and the north right of way line of Pa. Leg. Rte. 129; thence along the east right of way line of Pa. Leg. Rte. 36004, the following two (2) courses and distances: (1) North 22 degrees 06 minutes 20 seconds East, a distance of 82.81 feet to a point; and (2) in a line curving to the left, having a radius of 494.43 feet and an arc distance of 89.15 feet, the chord of said arc being North 17 degrees 36 minutes 25 seconds East, a distance of 89.03 feet to a point, a corner of land belonging to, now or late, John K. Garbar; thence along the same, the following two (2) courses and distances: (1) South 67 degrees 12 minutes 50 seconds East, a distance of 1,025.73 feet to an iron pin; and (2) crossing an iron pin, a distance of 170.0 feet south of the last described corner, South 22 degrees 47 minutes 10 seconds West, a distance of 170.55 feet to a point on the north right of way line of Pa. Leg. Rte. 129; thence along the same, North 67 degrees 15 minutes West, a distance of 1,012.68 feet to a point, the place of BEGINNING.

CONTAINING 3.981 acres.

BEING, as to Premises "B", the same premises which Ellen K. Garbar, Singlewoman by Deed dated February 6, 1973 and recorded in Lancaster County on July 10, 1975 in Record Book F Volume 55 Page 1091 granted and conveyed unto Elizabethtown Associates, Inc.

UNDER AND SUBJECT to easements, restrictions, and agreements of record.

UNDER AND SUBJECT, nevertheless to a certain mortgage debt in the original principal sum of Fifty Seven Thousand Dollars (\$57,000.00) given by Elizabethtown Associates, Inc. to Ellen K. Garbar.

Together with all and singular the buildings improvements, ways, streets, alleys, passages, waters, wharves, courts, rights, liberties, privileges, hereditaments and appurtenances whatsoever thereunto belonging, or in any wise appertaining, and the reversions and remainders, rents, issues and profits thereof, and all the estate, right, title, interest, property, claims and demand whatsoever of the said Grantor, in law, equity, or otherwise howsoever of, in, and to the same and every part thereof.

To have and to hold the said lots or pieces of ground above described with the buildings and improvements thereon erected hereditaments and premises hereby granted, or mentioned and intended so to be, with the appurtenances, unto the said Grantee, its Successors and Assigns, to and for the only proper use and behoof of the said Grantee, its Successors and Assigns forever, as partnership property, for the uses and purposes of the partnership, UNDER AND SUBJECT as aforesaid.

And the said Grantor, for itself, and its Successors

do as by these presents covenant, grant and agree to and with the said Grantee, its Successors and Assigns, that it the said Grantor and its Successors

shall and lawfully shall warrant, defend, and against all and every other Person and Persons whomsoever lawfully claiming or to claim the same or any part thereof, by, from or under it, them, or any of them. Shall and Will Subject as aforesaid, WARRANT and forever DEFEND.

In Witness Whereof, the said Parties to these Presents have hereunto interchangably set their hands and seals. Dated the day and year first above written.

Witness and Wellknown
to this Insurance of us

ELIZABETHTOWN ASSOCIATES, INC.
Pennsylvania corporation

By:

James V. Nitch

Attest:

Marsha Border

U. 71 23

Notary

COMMONWEALTH OF PENNSYLVANIA } ss
COUNTY OF PHILADELPHIA

On this, the 10th day of August 1977, before me, a Notary Public
the undersigned officer,
personally appeared SWENGE V. FRIEDMAN
who acknowledged himself to be the VICE PRESIDENT of ELIZABETHTOWN ASSOCIATES, INC.,
a corporation, and that he as such VICE PRESIDENT, being
authorized to do so, executed the foregoing instrument for the purposes therein contained, by signing the
name of the corporation by himself as VICE PRESIDENT.

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

[Signature]
Notary Public

In testimony whereof, I have hereunto set my hand and official seal.

RECORDED

ELIZABETHTOWN ASSOCIATES, INC., a
Pennsylvania corporation

TO

ELIZABETHTOWN ASSOCIATES, A
Pennsylvania partnership

Presidents:

East Side of PA. LES. Rto. 36004
Mount Joy Township
Lebanon County, Pennsylvania

Notary Public
The State of Pennsylvania

RECORDED OR FILED

77 AUG 17 PM 3:45

RECORDER OF DEEDS
LANCASTER, PA.

Subscribed in the office for Recording of Deeds, etc., in and
for the County of Lancaster, Pennsylvania, in

Book 20 Volume 71 Page 21

Witness my hand and seal of Office this 17th

day of August A. D. 1977

RECORDED

The residence of the undersigned Comptroller is
c/o Ronald B. Glantz, Esquire
COUNTY, SHARPER, MILLER, SHIGMAN
1201 12th St., Philadelphia, PA 19107

In Witness whereof, I have hereunto set my hand and official seal.

[Signature]

AUG 17 1977

ALL THAT CERTAIN tract or lot of land situate in Mount Joy Township, Lancaster County, Commonwealth of Pennsylvania more particularly bounded and described as follows to wit:

BEGINNING at a P.K. nail in the centerline of Ridge Run Road (T-316) at the dividing line of land now or formerly of Robert K. Brown and the subject premises, said point also being located 1,172.40 feet North of the centerline intersection of Route 230 and Ridge Run Road (T-316); thence by line of land now or formerly of Robert K. Brown South 78 degrees 06 minutes 05 seconds West 175.00 feet to an iron pin; thence by same and by land now or formerly of Raymond F. Gruber South 12 degrees 01 minutes 56 seconds East 279.92 feet to an iron pin; thence by line of land now or formerly of John Kreider South 89 degrees 20 minutes 47 seconds West 766.98 feet to an iron pin; thence by line of land now or formerly of Norman Garber North 04 degrees 29 minutes 00 seconds East 152.87 feet to an iron pin; thence by same North 61 degrees 43 minutes 00 seconds West 1,245.42 feet to a metal disk; thence by same and passing through an iron pin on the legal right-of-way line of Route 230 South 28 degrees 17 minutes 00 seconds West 210.00 feet to a point in the centerline of Route 230; thence by said centerline North 61 degrees 43 minutes 00 seconds West 60.00 feet to a point; thence by line of land now or formerly of Elizabethtown Associates, Inc., and passing through an iron pin located on the legal right-of-way line of Route 230 North 28 degrees 17 minutes 00 seconds East 210.00 feet to a metal disk; thence by land of same North 24 degrees 22 minutes 52 seconds East 543.17 feet to an iron pin; thence by line of Lot #1 South 61 degrees 43 minutes 00 seconds East 1,093.12 feet to an iron pin; thence by same South 89 degrees 53 minutes 19 seconds East 449.84 feet to an iron pin; thence by same North 59 degrees 51 minutes 28 seconds East 149.98 feet to a P.K. nail in the centerline of Ridge Run Road (T-316); thence by said centerline South 30 degrees 08 minutes 32 seconds East 453.47 feet to an iron pin on the eastern side of the pavement of said roadbed; thence continuing through said roadbed South 11 degrees 50 minutes 31 seconds East 113.83 feet to a P.K. nail in the center of Ridge Run Road (T-316), the place of BEGINNING.

BEING No. 28.078 acres.



October 12, 2022

Mount Joy Township
9953 Elizabethtown Road
Elizabethtown PA 17022

**RE: Elizabethtown Mt Joy, LLC, care of Pennmark Management
Company, Inc. (hereafter, the "Applicant")**

Dear Mount Joy Township Zoning Hearing Board:

As counsel for Tyson Foods, I recognize and acquiesce to the Applicant's Petition for a Zoning change (to C-2 with Text Amendment) on lands presently owned by Tyson, but subject to and equitable right by the Applicant to a future subdivision and ultimate purchase. Thus, by this letter, Tyson Foods approves and supports the Applicant as to the Petition relative to the portion of lands slated to be subdivided and ultimately owned by the Applicant.

Should you have any questions, please do not hesitate to contact me.

Sincerely,




Luke Haller, Corporate Counsel
Tyson Foods, Inc.
Luke.Haller@Tyson.com



MOUNT JOY

W. Main Street (Route 230) | Mount Joy | 17552



-  C-1 Limited Commercial
-  Agricultural
-  Proposed C-2 General Commercial

The following marketing materials provided by Pennmark Management Company, INC. have been obtained from sources believed reliable. Pennmark Management Company, INC. has not verified, and makes no guarantee, warranty or representation about the information presented. Any projections, assumptions or estimates used, are for example only, and do not represent the current or future performance of the property.

1000 Germantown Pike, Suite A-2 | Plymouth Meeting, PA 19462 | www.PennmarkProperties.com | 610-272-6500 x126

FILE NAME	FILE TYPE	FILE SIZE	FILE DATE	FILE TIME	FILE USER	FILE GROUP	FILE PERMISSION	FILE COMMENT
FILE1	TEXT	1024	2023-10-10	10:10:10	ADMIN	ADMIN	0755	FILE1
FILE2	TEXT	2048	2023-10-10	10:10:10	ADMIN	ADMIN	0755	FILE2
FILE3	TEXT	4096	2023-10-10	10:10:10	ADMIN	ADMIN	0755	FILE3
FILE4	TEXT	8192	2023-10-10	10:10:10	ADMIN	ADMIN	0755	FILE4
FILE5	TEXT	16384	2023-10-10	10:10:10	ADMIN	ADMIN	0755	FILE5
FILE6	TEXT	32768	2023-10-10	10:10:10	ADMIN	ADMIN	0755	FILE6
FILE7	TEXT	65536	2023-10-10	10:10:10	ADMIN	ADMIN	0755	FILE7
FILE8	TEXT	131072	2023-10-10	10:10:10	ADMIN	ADMIN	0755	FILE8
FILE9	TEXT	262144	2023-10-10	10:10:10	ADMIN	ADMIN	0755	FILE9
FILE10	TEXT	524288	2023-10-10	10:10:10	ADMIN	ADMIN	0755	FILE10
FILE11	TEXT	1048576	2023-10-10	10:10:10	ADMIN	ADMIN	0755	FILE11
FILE12	TEXT	2097152	2023-10-10	10:10:10	ADMIN	ADMIN	0755	FILE12
FILE13	TEXT	4194304	2023-10-10	10:10:10	ADMIN	ADMIN	0755	FILE13
FILE14	TEXT	8388608	2023-10-10	10:10:10	ADMIN	ADMIN	0755	FILE14
FILE15	TEXT	16777216	2023-10-10	10:10:10	ADMIN	ADMIN	0755	FILE15
FILE16	TEXT	33554432	2023-10-10	10:10:10	ADMIN	ADMIN	0755	FILE16
FILE17	TEXT	67108864	2023-10-10	10:10:10	ADMIN	ADMIN	0755	FILE17
FILE18	TEXT	134217728	2023-10-10	10:10:10	ADMIN	ADMIN	0755	FILE18
FILE19	TEXT	268435456	2023-10-10	10:10:10	ADMIN	ADMIN	0755	FILE19
FILE20	TEXT	536870912	2023-10-10	10:10:10	ADMIN	ADMIN	0755	FILE20
FILE21	TEXT	1073741824	2023-10-10	10:10:10	ADMIN	ADMIN	0755	FILE21
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FILE23	TEXT	4294967296	2023-10-10	10:10:10	ADMIN	ADMIN	0755	FILE23
FILE24	TEXT	8589934592	2023-10-10	10:10:10	ADMIN	ADMIN	0755	FILE24
FILE25	TEXT	17179869184	2023-10-10	10:10:10	ADMIN	ADMIN	0755	FILE25
FILE26	TEXT	34359738368	2023-10-10	10:10:10	ADMIN	ADMIN	0755	FILE26
FILE27	TEXT	68719476736	2023-10-10	10:10:10	ADMIN	ADMIN	0755	FILE27
FILE28	TEXT	137438953472	2023-10-10	10:10:10	ADMIN	ADMIN	0755	FILE28
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FILE37	TEXT	70368744177664	2023-10-10	10:10:10	ADMIN	ADMIN	0755	FILE37
FILE38	TEXT	140737488355328	2023-10-10	10:10:10	ADMIN	ADMIN	0755	FILE38
FILE39	TEXT	281474976710656	2023-10-10	10:10:10	ADMIN	ADMIN	0755	FILE39
FILE40	TEXT	562949953421312	2023-10-10	10:10:10				

[illegible]

