

**Prepared by &**

**Return to:** Neil Andrew Stein, Esquire  
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**Property:** Montgomery County Tax Parcel #39-00-01570-  
00-2 Lower Gwynedd Township

**SECOND AMENDMENT TO VOLUNTARY DECLARATION OF CONSERVATION EASEMENT**

**THIS SECOND AMENDMENT TO VOLUNTARY DECLARATION OF CONSERVATION EASEMENT** is made effective this \_\_\_ of \_\_\_\_\_, 202\_\_\_ by **LOWER GWYNEDD TOWNSHIP**, a Township of the second class, organized and existing under the laws of the Commonwealth of Pennsylvania ( "**Township**").

**BACKGROUND**

A. The Township has signed and caused to be recorded in the Office for the Recording of Deeds in Montgomery County, Pennsylvania ("**Recorder's Office**") in Deed Book 5108, Page 6, a Voluntary Declaration of Conservation Easement dated September 19, 1994, and a First Amendment to Voluntary Declaration of Conservation Easement dated November 28, 2023 and recorded in the Recorder's Office in Deed Book 6347, Page 01171 (the "**First Amendment**") (collectively, the "**Declaration**"). A copy of the Declaration is attached as **Exhibit "A"** and is incorporated by reference.

B. The Declaration was signed and recorded as a part of the conservation of Penllyn Woods, consisting of seventy-seven (77) acres, designated as Montgomery County Tax Parcel #39-00-01570-00-2, as more particularly described in the Declaration ("**Penllyn Woods**").

C. The Declaration creates two zones of protection, referred to as (hereinafter referred to as "**Easement Area 1**" and "**Easement Area 2**" or collectively as the "**Easement Areas**"). The Township desires to amend certain terms and conditions of the Declaration relating to the Easement Areas set forth herein (the "**Proposed Amendment**").

D. The Township Board of Supervisors ("**Board**") has held a public hearing to address the Proposed Amendment, in accordance with the procedures set forth in the Declaration (the "**Public Hearing**").

**NOW THEREFORE**, in consideration of the foregoing Background and intending to be legally bound, Township declares and covenants, for the benefit of the citizens and landowners of Lower Gwynedd Township as follows:

1. **INCORPORATION AND RATIFICATION.** The contents of the First Amendment are hereby reaffirmed, ratified, and incorporated herein by reference.

2. **AMENDMENT. Paragraph 11** of the Declaration is hereby amended to include a new subparagraph (e) as follows:

“(e) Notwithstanding any other provision of this Declaration, not less than thirty (30) days prior to the publication of any proposed amendment to the Declaration and not less than thirty (30) days prior to any public hearing to consider a proposed amendment to the Declaration, written notice shall be specifically provided to Wissahickon Trails (“**Trails**”), or its successor organization, to such address as Trails shall provide in writing to the Township. Nothing in this paragraph shall be construed to grant Trails any rights of a “Holder” of the Easements contained in the Declaration and shall not imply that Trails has any right of approval or disapproval of any proposed amendment to the Declaration.”

**MISCELLANEOUS PROVISIONS.**

(a) This Amendment, and particularly the rights and restrictions granted herein, are intended for the benefit of the landowners and the citizens of Lower Gwynedd Township and are further intended to be enforceable by such persons and entities.

(b) This Agreement shall be recorded in the Office of the Recorder of Deeds in and for the Montgomery County, Pennsylvania.

(c) Except as otherwise set forth herein, the Declaration shall remain in full force and effect and unmodified.

(d) Notwithstanding the date of this Amendment or the date upon which it is signed, this Amendment shall not be effective until thirty (30) days have elapsed from the date of the Public Hearing at which this Amendment is approved.

**IN WITNESS WHEREOF**, the Township has executed this Second Amendment to Declaration of Conservation Easement the day and year first above written.

***SIGNATURES COMMENCE ON THE FOLLOWING PAGE***

**ATTEST:**

**LOWER GWYNEDD TOWNSHIP**

By: Its Board of Supervisors

\_\_\_\_\_  
**MIMI GLEASON, TOWNSHIP SECRETARY**

By:\_\_\_\_\_  
**DANIELLE A. DUCKETT, CHAIRPERSON**

**COMMONWEALTH OF PENNSYLVANIA     :**  
**: ss**  
**COUNTY OF MONTGOMERY                :**

On this \_\_\_\_\_ day of \_\_\_\_\_, 202\_\_, before the undersigned officer, personally appeared Danielle A. Duckett, known to me or satisfactorily proven to be the Chairperson of the Board of Supervisors of Lower Gwynedd Township, whose name is subscribed to the within instrument and acknowledge that she executed the same on behalf of the Board of Supervisors of Lower Gwynedd Township for the purposes therein contained.

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

\_\_\_\_\_  
\_\_\_\_\_

Notary Public  
My Commission Expires:

**EXHIBIT "A"**  
**DECLARATION OF CONSERVATION EASEMENT AND FIRST AMENDMENT**  
**ATTACHED**