

LIMEKILN SIMMONS:

Dorothea Simmons Legacy - A Gift for the Horsham Township Community
Information for those who wish to preserve it

The Hatboro-Horsham School District intends to sell the old Limekiln Simmons school property to a developer against the intent of the donor of the land, Dorothea Simmons. She gave the land to the Horsham Township Schools in 1932. The land acquisition was solicited for the permanent purpose of education.

The current school board did not do this. A previous board signed an agreement of sale with a developer in 2016. That board petitioned the courts to approve the sale, as they are required to. John and Peggy Ambler attended this public hearing and objected.

This agreement has a clause in it that either party can exit at no-obligation until the School Code 707(3) court approval case becomes final and unappealable. When this case ends, and it is now awaiting acceptance or rejection by the Supreme Court of Pennsylvania, this no-obligation clause in the agreement of sale will expire, and the District will be required to sell to the developer or they would be exposed to being sued for non-performance.

The interesting thing is this agreement was ostensibly to protect the developer from being locked into a bad deal, but the result is that the District has been locked into a bad deal. All these years the developer has been able to sit back and let the District fight the battle in the courts for them. This has cost the District \$180,000 and hasn't really cost the developer anything because the District has responsibility for court approval, not the developer. The ironic part is that the District could honorably exit the agreement at any time, but won't. The fact that they can exit the agreement with no consequence is noted in a court decision. Why they won't we don't know, because despite what the superintendent has said, they have not really provided an explanation.

The Amblers have been working for decades and have succeeded in leading the preservation of this 232-acre block of undeveloped land behind the old Limekiln Simmons School, including stopping the Army Corps of Engineers from turning the valley into a flood control basin, enabling the creation of the Cedar Hill Park, and convincing neighbors not to sell to developers. The Limekiln Simmons property is the key to access the land behind it. It's the most viable access without finding another landowner to sell, and the neighbors don't want to. The same developer that has an agreement with the District already has a sketchy contingent agreement with no end date with an adjacent property that the homeowner now apparently regrets signing. If Limekiln Simmons goes, developers will have access to the rest, the current landowners will see development in their back yards (they all have large farm and horse plots) and they will likely eventually sell as well, and the entire core of the 232 acres will succumb. And the Ambler children, seeing a legacy betrayed, will be tempted to sell out too.

Alternatively, the Amblers have a well-developed concept plan to create a non-profit farm and sustainability school. If this 10-acre keystone property can be preserved for posterity, and a nonprofit created to maintain it, this would create a sustainability destination in Horsham

similar to the role of Rodale in Kutztown. The Amblers have the financial and logistical resources to make this happen. Students would learn sustainable farming, how to produce food on small local plots, how to build a small business, how to market and manage this type of business, and farm profitably on local plots contributing to local food production and local food security. Really the essence and keystone of one part of a sustainable future for us all. The Limekiln Simmons gift being honored in an appropriate way would be a big incentive to neighboring land owners and future generations to assure their land is held open.

The Amblers didn't start on the current path in the courts to try to create a problem for the School District. They are not just NIMBY neighbors. They have absolutely no financial or political interest in the outcome, they just want to preserve the land as intended. They actually didn't sue the District, they used their rights as citizens of Horsham to raise an objection and were named as defendants. They thought it was a straightforward case for the courts. But it turned out not to be straightforward, and at this point they were forced to file a case in Orphan's Court to stop the sale against the wishes of the donor. The Amblers have exercised great restraint not wanting to be in conflict with the District or cast the District in a bad light. But now their hand is being forced.

A sale to anyone else would be fine, so long as it honors the donative intent. The land was donated for the permanent purpose of education, which is contained in the stipulated findings of fact in the case. The District actually lost this first case based on the Donated or Dedicated Property Act, and it was the District who filed an appeal. The Amblers lost this appeal, but they lost on, for lack of a better way to put it, a technicality. I've read the decisions, and with a sympathetic jurist it could have easily gone the other way. The next case will be based on the concept of Public Trust, which is in part enshrined in Article I Section 27 of the Pennsylvania Constitution.

§ 27. Natural resources and the public estate.

The people have a right to clean air, pure water, and to the preservation of the natural, scenic, historic and aesthetic values of the environment. Pennsylvania's public natural resources are the common property of all the people, including generations yet to come. As trustee of these resources, the Commonwealth shall conserve and maintain them for the benefit of all the people. (May 18, 1971, P.L.769, J.R.3)

The situation now is that the District administration has been intransigent. Thus far they have resisted changing the former Boards position no matter how many people make impassioned pleas. So we have to continue with a public relations campaign. We are going to pursue both avenues. Perhaps with mounting legal bills, and public pressure, the District will come to agree how important it is to save Limekiln Simmons. The Amblers have considerable resources in their community and they are not going to go away quietly.

The Ambler's are going to continue to pursue legal remedies. Eventually, and this could go on for years, they will win or lose definitively. It's a deep case of first impression before the courts and it really could go either way. Can school districts sell property against the donative intent? You would think they should not.

If you believe this cause is just, and are interested in supporting the effort, what we can do is spread the word. Save Limekiln Simmons from development.