TOWNSHIP OF UPPER MACUNGIE
LEHIGH COUNTY, PENNSYLVANIA

ORDINANCE NO. 2014-05
(Duly Adopted April 3, 2014)

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF UPPER MACUNGIE, LEHIGH COUNTY, PENNSYLVANIA, AMENDING APPENDIX H-101, ET SEQ. OF THE CODE OF ORDINANCES OF THE TOWNSHIP OF UPPER MACUNGIE, TO ADD THERETO AN ADDITIONAL VACATION OF PORTIONS OF BLUEBARN ROAD (T-572) AND OAKVIEW DRIVE (T-866), LOCATED IN THE TOWNSHIP OF UPPER MACUNGIE, LEHIGH COUNTY, PENNSYLVANIA, AS PUBLIC ROADS; SAID VACATION BEING IN ACCORDANCE WITH THE SECOND CLASS TOWNSHIP CODE, 53 P.S. SECTIONS 67304, 67305(a) AND (b) AND 67311.

WHEREAS, the Supervisors of Upper Macungie Township have examined certain portions of Bluebarn Road (T-572) and Oakview Drive (T-866) and, after due investigation, have determined that, as a result of the years of non-use by the public of portions of these roadways, the public use and public convenience warrant the vacation of certain portions of both Bluebarn Road and Oakview Drive; and

WHEREAS, pursuant to the provisions of the Second Class Township Code, 53 P.S. Section 67305(a), a ten-day written notice was given to all property owners of land adjacent to the portion of said roadways involved in the proposed vacation, said notice advising the property owners of the time and place of a scheduled hearing regarding the proposed vacation of a portion of said roadways; and

WHEREAS, at the conclusion of said hearing, held on the 6th day of March, 2014, the Board of Supervisors of Upper Macungie Township decided in favor of the vacation of certain portions of the said roadways and authorized the necessary ordinance for the vacation of a portion of the said road be placed on the April 3, 2014 Board of Supervisor's Agenda for consideration; and

WHEREAS, a vacation of portions of the said roadways is permitted and authorized pursuant to the provisions of the Second Class Township Code, 53 P.S. Section 67304; and

WHEREAS, pursuant to the provisions of the Second Class Township Code, 53 P.S. Section 67311, the Supervisors may vacate a portion of the said roadways without the formality of a view when the Supervisors and the property owners affected by the vacation agree that the Township may vacate a portion of the said roadways, and that property owner is in agreement with these vacations.

NOW, THEREFORE, BE IT HEREBY ENACTED by the Board of Supervisors of Upper Macungie Township as follows, to wit:

1. The above recitals shall form a part of this Ordinance as though the same were set forth herein at length.

2. Those portions of Bluebarn Road and Oakview Drive in Upper Macungie Township, being more fully described on Exhibit "A," attached hereto and made a part hereof, have been vacated in accordance with the provisions of the Second Class Township Code, 53 P.S. Sections 67304 and 67305.

3. A copy of this Ordinance, together with a survey showing the location of the vacated portions of the roadways, shall be filed with the Office of the Clerk of Courts, Criminal Division, Lehigh County, Pennsylvania.

4. This Ordinance shall become effective immediately after enactment, as provided by law.

5. It is declared that the enactment of this Ordinance is necessary for the protection, benefit and preservation of the health, safety and welfare of the citizens of the Township.

6. All Ordinances or parts of Ordinances inconsistent herewith shall be and the same are expressly repealed.

7. Any and all existing Easements shall be reserved by the abutting property owner(s) with whom the vacated areas shall vest with said reserved areas not being subject to changing of the existing grades and being kept free and clear from structures and landscaping.

8. In the event that any provision, section, clause or part of a section or any clause or part of this Ordinance shall be held to be invalid, such invalidity shall not affect or impair any remaining provisions, sections, clauses or part of a section or any clause, it being the intent of this Township that such remainder shall remain in full force and effect.

DULY ENACTED AND ORDAINED this 3RD day of April, 2014, by the Board of Supervisors of Upper Macungie Township, Lehigh County, Pennsylvania, in a lawful session duly assembled.

ATTEST:

Kathy A. Rader, Secretary

BOARD OF SUPERVISORS
TOWNSHIP OF UPPER MACUNGIE
LEHIGH COUNTY, PENNSYLVANIA

By: _____
JAMES M. BRUNELL, Chairman

MASER CONSULTING P.A.

Engineers
Planners
Surveyors
Landscape Architects
Environmental Scientists

190 Brodhead Road
Suite 210
Bethlehem, PA 18017
T: 610.868.4201
F: 610.868.4202
www.maserconsulting.com

DESCRIPTION OF PROPERTY IN TOWNSHIP OF UPPER MACUNGIE LEHIGH COUNTY, PENNSYLVANIA TO BE VACATED

PART OF PIN NO. 546684914316 AND PART OF PIN NO. 546693062443 MC PROJECT NO. 12001009A JANUARY 2, 2014

All that certain land situate, lying and being in the Township of Upper Macungie, in the County of Lehigh and the Commonwealth of Pennsylvania, and being lands of, now or formerly, the Township of Upper Macungie and to be vacated by the Township of Upper Macungie, as shown on a map entitled: "Plan for Land to be Vacated by Upper Macungie Township, Along Pin: 546684914316 & 546693062443, Upper Macungie Township, Lehigh County, PA", dated January 2, 2014, and being more particularly bounded and described as follows, to wit:

BEGINNING at the common corner of PIN: 5446694051467 & PIN: 546684914316, said point being located along the existing southerly right of way line of Oak View Drive, 84.92' measured southwardly and at right angles to the centerline of Oak View Drive.

The following nine (9) courses running through Pin Numbers 546684914316 & 546693062443.

1. **S 40° 32' 20" W, 24.54 feet**, , to a point, thence –

2. **S 50° 32' 08" W, 114.36 feet**, to a point, thence –

3. **S 60° 09' 37" W, 152.86 feet**, to a point, thence –

4. **S 20° 08' 56" E, 324.68 feet**, to a point of curvature, thence –

5. **SOUTHEASTWARDLY** on an arc having a radius of **2,866.54 feet** and curving to the right an arc distance of **16.82 feet** (Central Angle 00°20'10") said arc being connected by a chord bearing **S 19°58'51" E** and a chord distance of **16.82 feet**, to a point, thence –

6. **S 70° 11' 14" W, 20.00 feet**, to a point, thence –

7. **SOUTHEASTWARDLY** on an arc having a radius of **2,846.54 feet** and curving to the right an arc distance of **149.10 feet** (Central Angle 03°00'04") said arc being connected by a chord bearing **S 18°18'44" E** and a chord distance of **149.08 feet**, to a point of tangency, thence –

8. **S 16° 48' 42" E, 353.52 feet**, to a point, thence –

9. **S 73° 11' 18" W, 10.00 feet**, to a point in thence –

The following three (3) courses running parallel to the easterly line of Blue Barn Road.

EXHIBIT "A"

MASER
CONSULTING P.A.

10. **N 16° 48' 42" W, 353.52 feet**, to a point of curvature, thence –

11. **NORTHWESTWARDLY** on an arc having a radius of **2,634.36 feet** and curving to the left an arc distance of **159.22 feet** (Central Angle 03°27'47") said arc being connected by a chord bearing **N 18°25'03" W** and a chord distance of **159.20 feet**, to a point of tangency, thence –

12. **N 20° 08' 56" W, 344.28 feet,** , to a point of curvature, thence –

    Then along the intersection of Blue Barn Road and Oak View Drive.

13. **NORTHEASTWARDLY** on an arc having a radius of **25.00 feet** and curving to the right an arc distance of **37.97 feet** (Central Angle 87°01'05") said arc being connected by a chord bearing **N 23°21'37" E** and a chord distance of **34.42 feet,** thence –

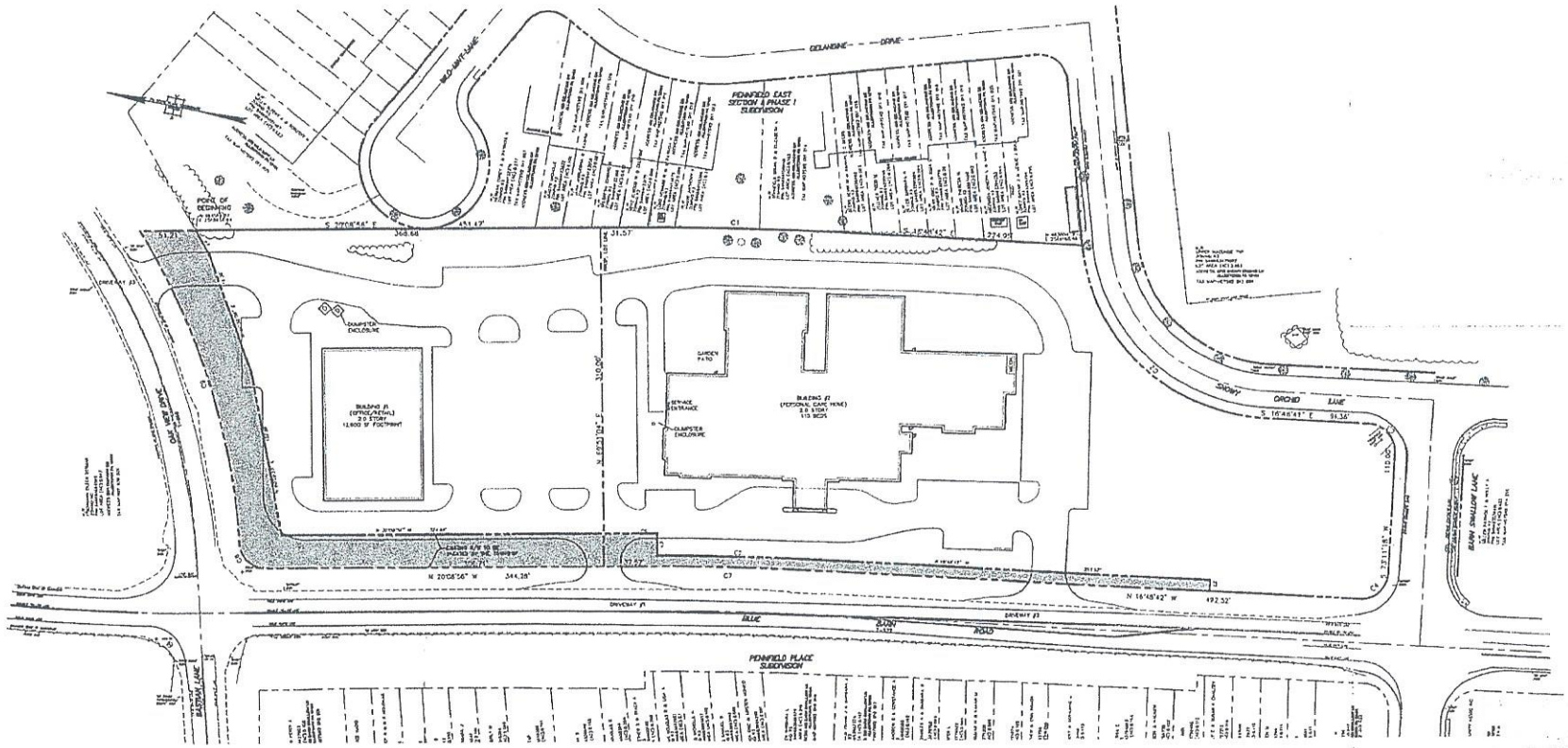
    The following one (1) course running parallel to the southerly line of Oak View Drive.

14. **NORTHEASTWARDLY** on an arc having a radius of **612.96 feet** and curving to the left an arc distance of **302.65 feet** (Central Angle 28°17'24") said arc being connected by a chord bearing **N 52°43'27" E** and a chord distance of **299.59 feet** still along the aforesaid existing southerly line of Oak View Drive, to a point, thence –

15. **S 20° 08' 56" E, 51.21 feet** through a portion of the aforesaid Oak View Drive, to the Point and Place of **BEGINNING**.

CONTAINING: 27,737 square feet or 0.637 acres of land more or less.

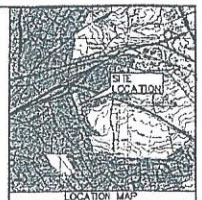
S:\2012\12001009A\Legal Descriptions\ROW_Description_TWP.docx



RIGHT-OF-WAY TO BE VACATED
BY UPPER MACUNGIE TOWNSHIP
27,737 SF/ 0.637 AC

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S61°46'13"W	15.58
L2	N20°11'18"E	13.00
L3	N20°11'18"E	22.00
L4	N62°51'40"E	24.70

CURVE TABLE						
CURVE	LENGTH	RADIUS	DELTA / TANGENT	CHORD	CHORD BEARING
C1	133.17'	1146.54'	6°39'24"	133.09'	S 15°26'38"E
C2	133.17'	1170.00'	6°31'24"	133.03'	S 15°29'38"E
C3	31.17'	24.00'	84°34'24"	28.60'	S 58°11'18"W
C4	31.17'	24.00'	84°34'24"	28.60'	S 58°11'18"W
C5	14.10'	1018.54'	1°19'04"	14.10'	S 15°36'54"E
C6	14.10'	1018.54'	1°19'04"	14.10'	S 15°36'54"E
C7	28.97'	24.00'	69°12'12"	27.27'	N 51°52'36"W
C8	30.97'	24.00'	73°57'12"	28.87'	N 54°49'36"W
C9	302.69'	213.90'	81°07'12"	277.96'	N 55°13'36"W
C10	302.69'	213.90'	81°07'12"	277.96'	N 55°13'36"W



LOCATION MAP

DRAWING LEGEND

PLAN NORTH

40 0 40 80
SCALE IN FEET
(1"=40')

1	10/8/13	GHK	GENERAL REVISION
REV	BY	CHECKED BY	DESCRIPTION

MASER CONSULTING P.A.
Consulting Structural & Environmental Engineers
Planners • Surveyors • Landscape Architects
State of N.J. Certificate of Authorization 24GA27996300
New Jersey New York Pennsylvania Virginia
Outstanding Quality Through Quality Leadership

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BENJAMIN OTTOE
1001 Broad Street
Suite 110
Bethlehem, PA 18017
Phone 610.814.1020
Fax 610.814.1022
email: info@maser-consulting.com

PLAN
FOR
LAND TO BE VACATED
BY UPPER MACUNGIE TOWNSHIP

UPPER MACUNGIE TOWNSHIP LEHIGH COUNTY PA

SCALE	DATE	DRAWN BY	REVIEWED BY
1"=40'	JUN 3, 2014	BKS	CRR

PROJECT NUMBER
12001009A
EE000095

SHEET NUMBER
1 of 1

RECORDED
09/05/2014 11:58:47 AM
RECORDER OF DEEDS
LEHIGH COUNTY
PENNSYLVANIA
Inst Num: 2014023573

PREPARED BY: **Andrew V. Schantz, Esquire**
Davison & McCarthy, P.C.
1146 S. Cedar Crest Blvd., Suite 300
Allentown, PA 18103

RETURN TO: **Andrew V. Schantz, Esquire**
Davison & McCarthy, P.C.
1146 S. Cedar Crest Blvd., Suite 300
Allentown, PA 18103

PIN NUMBER: **p/o 546684914316 1**
p/o 546693062443 1

ROAD VACATION AGREEMENT

THIS ROAD VACATION AGREEMENT (the "**Agreement**") is entered into this 25 day of ~~May~~ JUNE, 2014, by and between the **TOWNSHIP OF UPPER MACUNGIE**, a municipal corporation and Second Class Township organized and existing under the laws of the Commonwealth of Pennsylvania, which maintains an office at 8330 Schantz Road, Breinigsville, Lehigh County, Pennsylvania 18031 ("**Township**") and **KAY CONSTRUCTION INC.**, a Pennsylvania corporation organized and existing under the laws of the Commonwealth of Pennsylvania with its principal office situate at 5940 Hamilton Boulevard, Wescosville, Pennsylvania, 18106 ("**Kay**").

WITNESSETH:

WHEREAS, the Township is responsible for the maintenance of Township-owned facilities and also charged with securing the health, safety and welfare of the citizens of the Township: and

WHEREAS, the Township may construct, reconstruct and improve and contract for the construction, reconstruction and improvement of roads in the Township; and

WHEREAS, the Township has the power to vacate any part of any public road under its supervision; and

WHEREAS, the Township can agree with the property owners affected by the vacation that it may vacate the public road without the formality of a view, provided such agreement setting forth the facts regarding the vacation, accompanied by a map or draft of the

road agreed to be vacated, shall be presented and recorded in the Office of the Recorder of Deeds; and

WHEREAS, upon the request of an affected property owner, the Township may adopt an ordinance approving the agreement of the affected parties and record that ordinance as well as the said agreement.

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

1. The above introductory clauses are hereby incorporated by reference as though fully set forth at length herein.

2. This Agreement is for the consideration of One Dollar and 00/100 ($1.00). No further sums are due any party hereto for any direct or indirect benefits or damages in connection with or associated with this road vacation.

3. Kay is the owner of properties known as 5791 SNOWY ORCHID LN (PIN 546684914316) and 321 BARN SWALLOW LN (PIN 546693062443), as shown on "Plan for Land to be Vacated by Upper Macungie Township" and hereinafter sometimes referred to as "Plan", prepared by Maser Consulting, dated January 2, 2014. The aforesaid properties are located along a portion of Blue Barn Road (T-572) and Oak View Drive (T-868) in Upper Macungie Township, Lehigh County.

4. The Township and Kay have agreed to the vacation of those portions of existing Blue Barn Road (T-572) and Oak View Drive (T-868) as defined in this Agreement.

5. To accomplish the above vacation, a parcel shall be vacated by the Township to the adjoining Kay land, more particularly described in Exhibit "A," attached hereto and made a part hereof. The tract consists of 27,737 Square Feet.

6. The plan contained in Exhibit "A" sets forth the vacation agreed to by the parties herein.

7. The existing and open portions of Blue Barn Road (T-572) and Oak View Drive (T-868) will remain open and maintained as a township public roads.

8. This Agreement contains the entire agreement of the parties herein with regard to the vacation of such portions of Blue Barn Road (T-572) and Oak View Drive (T-868).

9. This Agreement may be executed in multiple copies, each of which may bear

MASER CONSULTING P.A.
Engineers
Planners
Surveyors
Landscape Architects
Environmental Scientists

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DESCRIPTION OF PROPERTY IN TOWNSHIP OF UPPER MACUNGIE LEHIGH COUNTY, PENNSYLVANIA TO BE VACATED

PART OF PIN NO. 546684914316 AND PART OF PIN NO. 546693062443 MC PROJECT NO. 12001009A JANUARY 2, 2014

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EXHIBIT "A"

MASER CONSULTING P.A.

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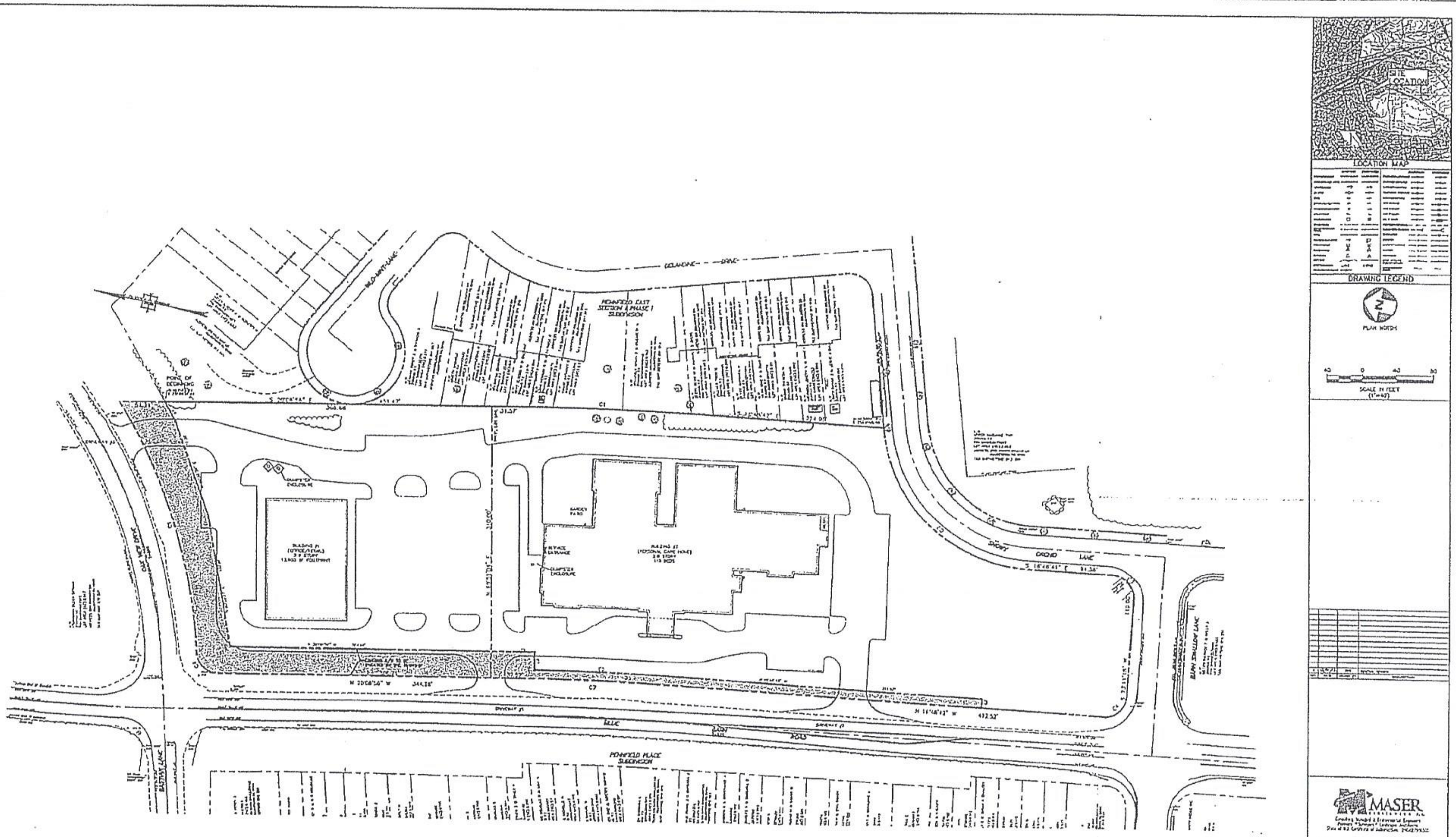

RIGHT-OF-WAY TO BE VACATED
BY UPPER MACUNGIE TOWNSHIP
27,737 SF/ 0.637 AC

MASER

PLAN
FOR
LAND TO BE VACATED
BY UPPER MACUNGIE TOWNSHIP

UPPER MACUNGIE TOWNSHIP LEHIGH COUNTY PA

12001009A

1 of 1

less than the total number of signatories to the Agreement. Notwithstanding that fact, each party affixing their signature hereto will be deemed to be in full agreement with the provisions of this Agreement as though all parties had signed simultaneously.

IN WITNESS WHEREOF, each party hereto, being authorized to do so and intending to be legally bound hereby, has hereunto set their hands and seals the day and year first above written.

ATTEST:

Kathy A. Rader. Secretary

BOARD OF SUPERVISORS
TOWNSHIP OF UPPER MACUNGIE

By:
James M. Brunell, Chairman

ATTEST:

Secretary

KAY CONSTRUCTION, INC.

BY:
President

COMMONWEALTH OF PENNSYLVANIA :
: **SS:**
COUNTY OF LEHIGH :

On this, the 17th day of May, 2014, before me, a Notary Public, the undersigned officer, personally appeared Richard M. Kozy Jr., who acknowledged himself to be the President of **KAY CONSTRUCTION, INC.,** and that he, as such, being authorized to do so, executed the foregoing instrument for purpose therein contained by signing the name of **KAY CONSTRUCTION, INC.** by himself as President.

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

COMMONWEALTH OF PENNSYLVANIA
NOTARIAL SEAL
Ethel Gery, Notary Public
Lower Macungie Township, Lehigh County
My Commission Expires May 07, 2016

Ethel Gery
Notary Public

COMMONWEALTH OF PENNSYLVANIA :
: **SS:**
COUNTY OF LEHIGH :

On this the 25th day of ~~May~~ JUNE, 2014, before me, a Notary Public, the undersigned officer, personally appeared **JAMES M. BRUNELL**, who acknowledged himself to be the Chairman of the Board of Supervisors of the **TOWNSHIP OF UPPER MACUNGIE**, and that he as such, being authorized to do so, executed the foregoing instrument for the purpose therein contained by signing the name of the Township by himself as Chairman of the Board of Supervisors.

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

Sharon Renee Stamm
Notary Public

Commonwealth of Pennsylvania
County of Lehigh

COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Sharon Renee Stamm, Notary Public
Upper Macungie Twp., Lehigh County
My Commission Expires Jan. 16, 2017
MEMBER, PENNSYLVANIA ASSOCIATION OF NOTARIES

ANDREA E. NAUGLE
LEHIGH COUNTY CLERK OF JUDICIAL RECORDS

Recorder of Deeds Division
Deborah A. Casciotti, Chief Deputy
Lehigh County Courthouse
455 W. Hamilton Street - Room 122
Allentown, PA 18101-1614
(610) 782-3162

*RETURN DOCUMENT TO:
ANDREW V. SCHANTZ ESQ.
702 HAMILTON ST
STE 300
ALLENTOWN, PA 18101

Instrument Number - 2014023573
Recorded On 9/5/2014 At 11:58:47 AM
* Instrument Type - AGREEMENT
Invoice Number - 215132 User ID: LSA
* Grantor - UPPER MACUNGIE TOWNSHIP OF
* Grantee - KAY CONSTRUCTION INC
* Customer - ANDREW V. SCHANTZ ESQ.

***Total Pages - 8**

* FEES

STATE WRIT TAX	$0.50
RECORDING FEES	$19.00
COUNTY ARCHIVES FEE	$2.00
ROD ARCHIVES FEE	$3.00
UPI CERTIFICATION FEES	$20.00
TOTAL PAID	$44.50

I hereby CERTIFY that this document is
Recorded in the Recorder of Deeds Office
of Lehigh County, Pennsylvania

RECORDER OF DEEDS OF LEHIGH COUNTY PENNSYLVANIA

Andrea E Naugle

Andrea E. Naugle
Clerk of Judicial Records
Recorder of Deeds Division

LCGIS Registry UPI Certification
On September 5, 2014 By SB

THIS IS A CERTIFICATION PAGE

Do Not Detach

THIS PAGE IS NOW PART OF THIS LEGAL DOCUMENT

* - Information denoted by an asterisk may change during the verification process and may not be reflected on this page.

005IX3

INSTRUMENT NUMBER - 2014023573