

**TOWNSHIP OF UPPER MACUNGIE  
LEHIGH COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 2014-06  
(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 AN UNOPENED, UNPAVED PORTION OF HELEN DRIVE 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 a certain portions of Helen Drive which is unpaved and unopened and, after due investigation, have determined that as a result of the fact that this roadway remains unopened and unpaved, lack of the public use and public convenience warrant the vacation of that certain portion of Helen 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 roadway 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 6<sup>th</sup> day of March, 2014, the Board of Supervisors of Upper Macungie Township decided in favor of the vacation of the certain portion of the said roadway and authorized the necessary ordinance for the vacation of that 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

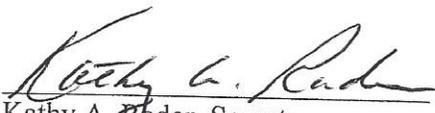
WHEREAS, pursuant to the provisions of the Second Class Township Code, 53 P.S. Section 67311, the Supervisors may vacate a portion of the said roadways without the formality of a view when the Supervisors and the property owners affected by the vacation agree that the Township may vacate a portion of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

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

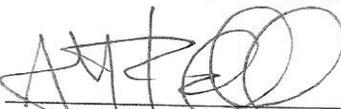
1. The above recitals shall form a part of this Ordinance as though the same were set forth herein at length.
2. That portion of Helen Drive in Upper Macungie Township, being more fully described on Exhibit "A," attached hereto and made a part hereof, have been vacated in accordance with the provisions 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 area 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 3<sup>rd</sup> 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

Description of Paper Street  
 To be Vacated  
 Shown as Helen Drive  
 on the Subdivision Plan entitled Park Place West 2  
 recorded in Map Book 12 Page 223 on 5-10-2001.  
 Located between lots 52 and 53  
 in The Township of Upper Macungie  
 Lehigh County PA  
 More fully described as follows:

**Beginning** at a concrete monument on the southerly right of way line of Forsythia Drive T- 324 ( 50' wide , 25' from centerline) , located N35°24'34" W 809.32' from the point of curvature on the right of way line of Forsythia Lane at the radius return of the westerly right of way line of Tamarak Drive T- 942 ( 50' wide ); **Thence** along the southerly right of way line of Forsythia Lane S 35°24'34" E 70.00 feet to a concrete monument ; thence along the arc of a curve deflecting to the left having a radius of 10.00 feet and a delta angle of 90°-00'-00" , 15.71 feet to a point on the Easterly right of way line of the paper stub street shown as Helen Drive; thence along said right of way line and lot 53, S 54°35'26" W 150.00' to a point in line of the Westbury Subdivision; Thence along said subdivision line N 35°24'34" W 50.00 ' to a point being the South East corner of lot 52; Thence along said lot line N 54°35'26" E 150.00' to a point of curvature; thence along the arc of a curve deflecting to the left, having a radius of 10.00 ' and a central angle of 90°00'00" , 15.71' to a point the place of beginning.

**Containing 8042.9 SF**

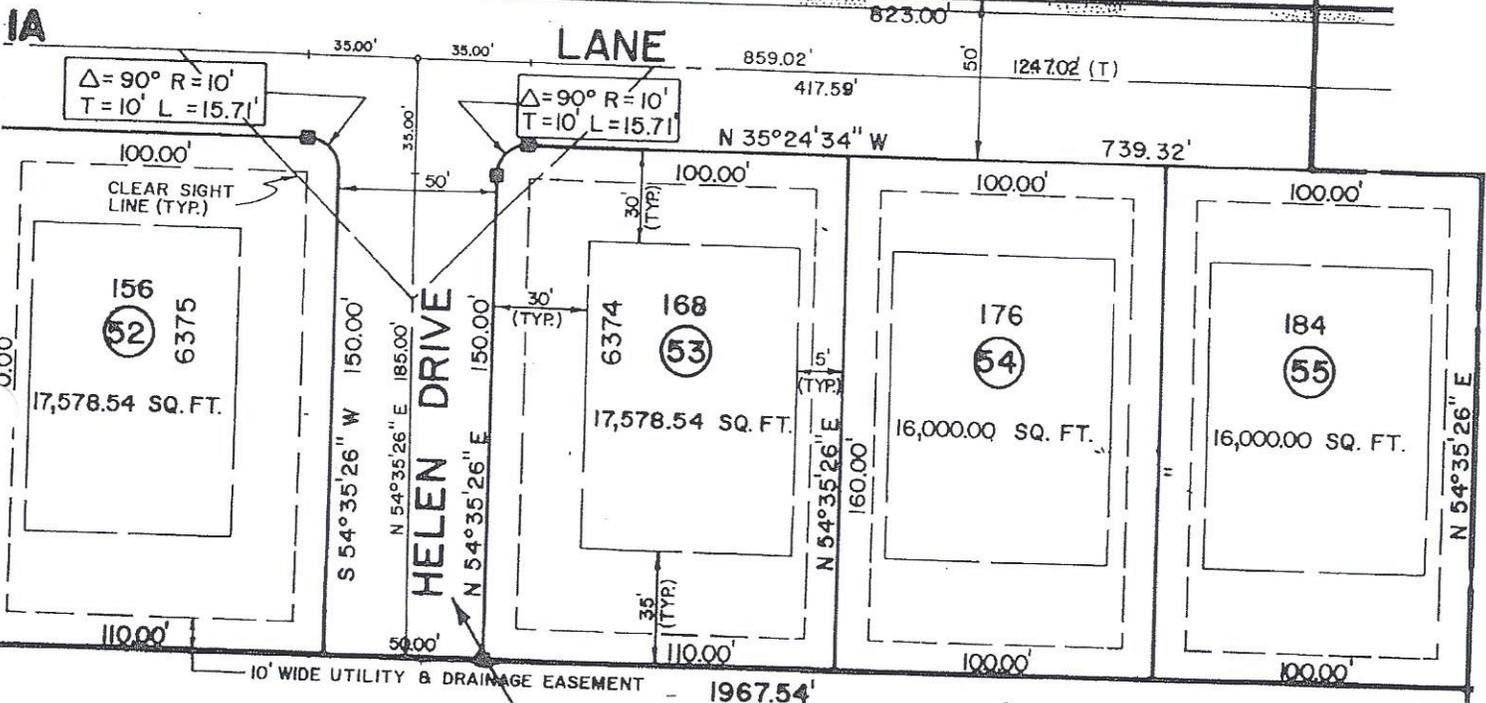
**Reserving** a 10 foot general drainage and utility easement 5' each side and along the centerline of the right of way to be vacated and a 10 foot general drainage and utility easement located along the property adjoining the Westbury Subdivision. These easements shall be kept clear from structures and open for the conveyance of storm water and access for utilities to serve adjoining properties.

DLH - 3-6-14

\\keywest\public\_jobs\umt\2014\umt14-01-b - liquid fuels - 2014\vacations\helen drive\description of paper street.doc

EXHIBIT "A"

WIDE ELECTRIC & UTILITY EASEMENT (TYP.)



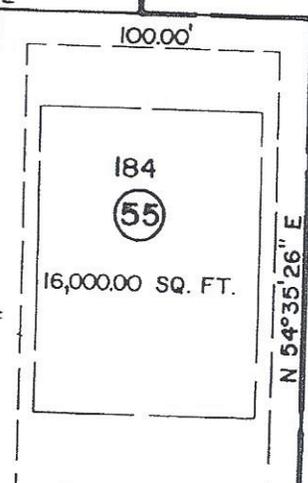
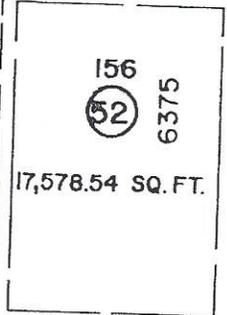
IA

LANE

HELEN DRIVE

$\Delta=90^\circ R=10'$   
 $T=10' L=15.71'$

$\Delta=90^\circ R=10'$   
 $T=10' L=15.71'$



10' WIDE UTILITY & DRAINAGE EASEMENT - 1967.54'

NOTE - THE SECTION OF HELEN DRIVE WILL NOT BE CONSTRUCTED AS PART OF THIS SUBDIVISION. THE EASEMENTS FOR LOTS 52 & 53 WILL ACCESS FROM HOPE LANE

N/L  
PAUL & MABEL KUHNS  
DBV. 1172 P. 351

NOTE:  
UNDERGROUND UTILITY LOCATIONS ARE APPROXIMATE.

LINE

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

RECORDED  
09/05/2014 11:58:48 AM  
RECORDER OF DEEDS  
LEHIGH COUNTY  
PENNSYLVANIA  
Inst Num: 2014023574

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

**PIN NUMBER:** p/o 546589786637 1  
p/o 546589696973 1

### ROAD VACATION AGREEMENT

**THIS ROAD VACATION AGREEMENT** (the "**Agreement**") is entered into this <sup>June</sup> 23<sup>rd</sup> day of ~~May~~, 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 **ALEXANDER M. AND THERESA A. KOWAL**, husband and wife, having an address of 156 Forsythia Lan, Upper Macungie Township ("**Kowal**") and **JACK E. AND KELLY E. PAYNE, JR.** husband and wife, having an address of 168 Forsythia Lan, Upper Macungie Township ("**Payne**").

#### **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. Kowal is the owner of property known as 156 Forsythia Lane (PIN 546589696973 1) and Payne is the owner of property known as 168 Forsythia Lane (PIN 546589786637 1). The aforesaid properties are separated by and abut upon a portion of an unopened fifty (50') foot right-of-way known as Helen Drive in Upper Macungie Township, Lehigh County.

4. The Township and Kowal and Payne have agreed to the vacation of the unopened portion of Helen Drive as defined in this Agreement.

5. To accomplish the above vacation, the unopened portion of Helen Drive the abuts upon and separates the Kowal and Payne properties shall be vacated by the Township for the benefit of the abutting property owners, said area more particularly described in Exhibit "A," attached hereto and made a part hereof. The tract consists of 8,042.9 Square Feet.

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

7. The Township reserves a ten (10') wide general drainage and utility easement along the centerline of the vacated right of way (five (5') feet on each property) as well as a reserves a ten (10') wide general drainage and utility easement along the terminus of the vacated right of way as more particularly described in Exhibit "A," attached hereto

8. This Agreement contains the entire agreement of the parties herein with regard to the vacation of such unopened portion of Helen Drive.

Description of Paper Street  
To be Vacated  
Shown as Helen Drive  
on the Subdivision Plan entitled Park Place West 2  
recorded in Map Book 12 Page 223 on 5-10-2001.

Located between lots 52 and 53  
in The Township of Upper Macungie  
Lehigh County PA

More fully described as follows:

**Beginning** at a concrete monument on the southerly right of way line of Forsythia Drive T- 324 ( 50' wide , 25' from centerline) , located N35°24'34" W 809.32' from the point of curvature on the right of way line of Forsythia Lane at the radius return of the westerly right of way line of Tamarak Drive T- 942 ( 50' wide ); **Thence** along the southerly right of way line of Forsythia Lane S 35°24'34" E 70.00 feet to a concrete monument ; thence along the arc of a curve deflecting to the left having a radius of 10.00 feet and a delta angle of 90°-00'-00", 15.71 feet to a point on the Easterly right of way line of the paper stub street shown as Helen Drive; thence along said right of way line and lot 53, S 54°35'26" W 150.00' to a point in line of the Westbury Subdivision; Thence along said subdivision line N 35°24'34" W 50.00 ' to a point being the South East corner of lot 52; Thence along said lot line N 54°35'26" E 150.00' to a point of curvature; thence along the arc of a curve deflecting to the left, having a radius of 10.00 ' and a central angle of 90°00'00", 15.71' to a point the place of beginning.

**Containing 8042.9 SF**

**Reserving** a 10 foot general drainage and utility easement 5' each side and along the centerline of the right of way to be vacated and a 10 foot general drainage and utility easement located along the property adjoining the Westbury Subdivision. These easements shall be kept clear from structures and open for the conveyance of storm water and access for utilities to serve adjoining properties.

DLH - 3-6-14

\\keywest\public\_jobs\umt\2014\umt14-01-b - liquid fuels - 2014\vacations\helen drive\description of paper street.doc

EXHIBIT "A"

WIDE ELECTRIC & UTILITY EASEMENT (TYP.)

120.00'

114.00'

112.00'

112.00'

823.00'

IA

35.00'

35.00'

LANE

859.02'

50'

1247.02' (T)

$\Delta = 90^\circ R = 10'$   
 $T = 10' L = 15.7'$

$\Delta = 90^\circ R = 10'$   
 $T = 10' L = 15.7'$

N 35°24'34" W

739.32'

100.00'

CLEAR SIGHT LINE (TYP.)

156

52

6375

7,578.54 SQ. FT.

S 54°35'26" W 150.00'

N 54°35'26" E 185.00'

HELEN DRIVE

N 54°35'26" E 150.00'

100.00'

6374

168

53

17,578.54 SQ. FT.

30' (TYP.)

30' (TYP.)

30' (TYP.)

35' (TYP.)

N 54°35'26" E 160.00'

100.00'

176

54

16,000.00 SQ. FT.

100.00'

100.00'

184

55

16,000.00 SQ. FT.

N 54°35'26" E

110.00'

10' WIDE UTILITY & DRAINAGE EASEMENT

1967.54'

**NOTE - THE SPACING OF HELEN DRIVE WILL NOT BE CONSTRUCTED AS PART OF THIS SUBDIVISION. THE ENTRANCES FOR LOTS 52 & 53 WILL ACCESS FROM ROSE LANE**

N/L  
PAUL & MABEL KUHNS  
DBV. 1172 P. 351

**NOTE:**  
UNDERGROUND UTILITY LOCATIONS ARE APPROXIMATE.

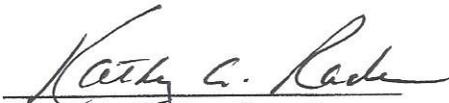
LINE

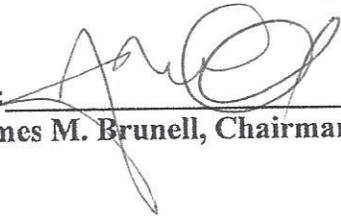
9. This Agreement may be executed in multiple copies, each of which may bear less the total number of signatories to the Agreement. Notwithstanding that fact, each party affixing their signature hereto will be deemed to be in full agreement with the provisions of this Agreement as though all parties 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:

BOARD OF SUPERVISORS  
TOWNSHIP OF UPPER MACUNGIE

  
Kathy A. Rader, Secretary

By:   
James M. Brunell, Chairman

WITNESS:



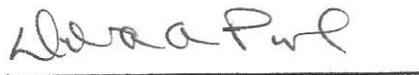
BY:   
Alexander M. Kowal

WITNESS:



BY:   
~~Teresa A. Kowal~~  
Teresa

WITNESS:



BY:   
Jack E. Payne, Jr.

WITNESS:

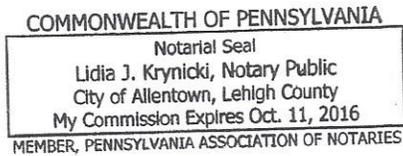


BY:   
Kelly E. Payne

COMMONWEALTH OF PENNSYLVANIA :  
: SS.:  
COUNTY OF LEHIGH :

On this, the <sup>23rd</sup> day of ~~May~~ <sup>June</sup>, 2014, before me, a Notary Public, the undersigned officer, personally appeared ALEXANDER M. KOWAL, known to me (or satisfactorily proven) to be the person whose names is subscribed to the within instrument, and acknowledged that he executed the same for the purpose therein contained.

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

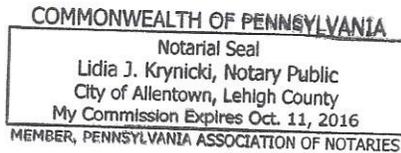


*Lidia J. Krynicki*

COMMONWEALTH OF PENNSYLVANIA :  
: SS.:  
COUNTY OF LEHIGH :

On this, the <sup>23rd</sup> day of ~~May~~ <sup>June</sup>, 2014, before me, a Notary Public, the undersigned officer, personally appeared ~~TERESA~~ <sup>TERESA</sup> A. KOWAL, known to me (or satisfactorily proven) to be the person whose names is subscribed to the within instrument, and acknowledged that she executed the same for the purpose therein contained.

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

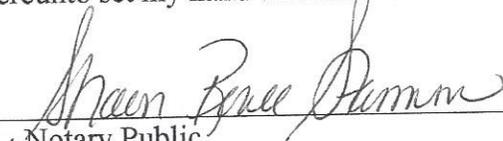


*Lidia J. Krynicki*

COMMONWEALTH OF PENNSYLVANIA :  
: SS:  
COUNTY OF LEHIGH :

On this the 22<sup>nd</sup> day of ~~May~~ <sup>July</sup>, 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.

  
Notary Public

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 - 2014023574**

Recorded On 9/5/2014 At 11:58:48 AM

\* Instrument Type - AGREEMENT

Invoice Number - 215132 User ID: LSA

\* Grantor - UPPER MACUNGIE TOWNSHIP OF

\* Grantee - KOWAL, ALEXANDER M

\* Customer - ANDREW V. SCHANTZ ESQ.

\* FEES

STATE WRIT TAX	\$0.50
RECORDING FEES	\$21.50
COUNTY ARCHIVES FEE	\$2.00
ROD ARCHIVES FEE	\$3.00
UPI CERTIFICATION FEES	\$20.00
TOTAL PAID	\$47.00

\*Total Pages - 9

I hereby CERTIFY that this document is  
Recorded in the Recorder of Deeds Office  
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.

INSTRUMENT NUMBER - 2014023574

