

APPROVED

First Reading: 01/12/11

Passed 9-0: 02/09/11

**COUNTY OF LEHIGH, PENNSYLVANIA
COMMISSIONERS BILL 2011-06
SPONSORED BY COMMISSIONER HANSELL
REQUESTED DATE: DECEMBER 28, 2010
ORDINANCE NO. 2011-109**

**APPROVING A DEED OF DEDICATION TO THE
TOWNSHIP OF SOUTH WHITEHALL**

WHEREAS, the County of Lehigh (hereinafter referred to as "the County") is the owner of a parcel of property lot located along Haines Mill Road in the Township of South Whitehall (hereinafter "Township"), Lehigh County, Pennsylvania (hereinafter referred to as "the Property"); and

WHEREAS, the County requested that the Township approve the subdivision of the Property; and

WHEREAS, the County's subdivision application was granted conditional approval by the Township, and one of said conditions was a Deed of Dedication of 0.08395 acres to the Township for Right-of-Way; and

WHEREAS, Section 310(a)(6) of the Home Rule Charter of the County of Lehigh requires ordinance approval for the conveyance of any interest in real estate.

**NOW, THEREFORE, IT IS HEREBY ENACTED AND ORDAINED BY
THE BOARD OF COMMISSIONERS OF THE COUNTY OF LEHIGH,
PENNSYLVANIA, THAT:**

1. The above recitals are incorporated herein by reference and made a part hereof.
2. The County Executive is hereby authorized and empowered to sign the Deed of

Dedication attached hereto and marked as Exhibit "A".

3. The proper officers and other personnel of Lehigh County are hereby authorized and empowered to take all such further action, including any necessary transfers of funds, and execute additional documents as they may deem appropriate to carry out the purpose of this Ordinance.

4. The County Executive shall distribute copies of this Ordinance to the proper offices and other personnel of Lehigh County whose further action is required to achieve the purpose of this Ordinance.

5. Any Ordinance or part of any Ordinance conflicting with the provisions of this Ordinance is hereby repealed insofar as the same affects this Ordinance.

6. This Ordinance shall become effective in ten (10) days after enactment.

ADOPTED this 9th day of February, 2011 by the following vote:

<u>Commissioners</u>	<u>AYE</u>	<u>NAY</u>
Dean N. Browning	X	
Thomas C. Creighton, III	X	
Percy H. Dougherty	X	
Glenn Eckhart	X	
Gloria L. Hamm	X	
William H. Hansell	X	
David S. Jones, Sr.	X	
Daniel K. McCarthy	X	
Andy Roman	X	

ATTEST: _____

Clerk to The Board of Commissioners

APPROVED this 11th day of February, 2011.

Donald T. Cunningham, Jr.
County Executive

ENACTED this 11th day of February, 2011.

Prepared by: Blake C. Marles, Esquire
Stevens & Lee
190 Brodhead Road, Ste. 200
Bethlehem, PA 18017
610 997-5060

Return to: Gerald J. Harbison
South Whitehall Township
4444 Walbert Avenue
Allentown, PA 18104-1699
610 398-2730

DEED OF DEDICATION

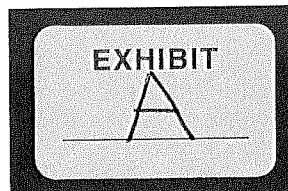
THIS INDENTURE made this _____ day of _____, 20____, by and between **COUNTY OF LEHIGH**, a Home Rule County of the Third Class, with offices situate at 17 South 7th Street, Allentown, Lehigh County, Pennsylvania (hereinafter called "Grantor") and the **TOWNSHIP OF SOUTH WHITEHALL**, a municipal corporation and Township of the First Class, duly organized under the laws of the Commonwealth of Pennsylvania, with offices situate at 4444 Walbert Avenue, Allentown, Lehigh County, Pennsylvania, 18104-1699 (hereinafter called "Grantee").

WITNESSETH:

That the said Grantor, for and in consideration of the sum of One Dollar (\$1.00), as well as for diverse other considerations affecting the public welfare which it seeks to advance, has granted, bargained and sold, and by these presents does grant, bargain and sell unto the said Grantee, its successors and assigns, the free and uninterrupted use, liberty and privilege of, and passage in and through all that certain tract or parcel of ground situate in South Whitehall Township, Lehigh County, Pennsylvania, bounded and described as follows, to wit:

ALL THAT CERTAIN piece of land and premises, situate, lying and being in the Township of South Whitehall, County of Lehigh and Commonwealth of Pennsylvania and being more particularly described as follows:

BEGINNING at a point on the easterly Ultimate Right-of-Way Line of Haines Mill Road (SR 2009)(70 feet wide) as shown on a plan prepared by Remington, Vernick & Beach Engineers, Conshohocken, PA 19428 dated 5/08 and last revised 8/18/10. Said plan is entitled Site Plan, Haines Mill Parking Lot & Driveway Restoration. Said point is also located on the common line of N/L Gary C. and Debra A. Rosenberger (Parcel ID: 548643718553 1) and the County of Lehigh (Parcel ID: 548654401360 1); thence extending from said point: 1) South 46 degrees 52 minutes 42 seconds West through the bed of Haines Mill Road, a distance of 32.34' to a point; thence 2) Continuing through the bed of Haines Mill Road, North 23 degrees 12



minutes 48 seconds West, a distance of 137.06 feet to a point; thence 3) Continuing through the bed of Haines Mill Road, North 52 degrees 01 minutes 10 seconds East, a distance of 24.27 feet to the easterly Ultimate Right-of-Way Line; thence 4) Along the easterly Ultimate Right-of-Way Line of Haines Mill Road, South 26 degrees 13 minutes 02 seconds East, a distance of 132.42 feet to the point and place of BEGINNING.

CONTAINING within said bounds 3,656.88 square feet (0.08395 acre) of land, more or less.

BEING a portion of Lehigh County owned land (Parcel ID: 548654401360 1) as recorded in Deed Book 1147 on page 35.

It is the intention to grant to the Commonwealth of Pennsylvania a Permanent Easement for this portion of the County owned tract of ground for the purpose of inclusion as part of the Ultimate Right-of-Way of Haines Mill Road.

TO HAVE AND TO HOLD all and singular the privileges aforesaid unto the said Grantee to and for only the proper use and behoof of the said Grantee, its successors and assigns forever, as and for the right-of-way of Haines Mill Road and the installation and maintenance of public utilities and related public services, including but not limited to sanitary and storm sewers, water mains, street lights, electrical and gas service and cable television lines, etc.

NO BARRIERS, fences, or curbs or other obstruction to the free and unhampered use of said Easements shall hereafter be permitted, nor shall any automobiles, trucks, motor vehicles or other personal property nor any building or other structure be parked, stored, constructed, or permitted upon any part of said Easements, provided that any and all users of Grantor's adjacent premises (and their guests and invitees) and Grantor shall be permitted free access across the Easements for the purpose of ingress and egress to the Grantor's premises and the uses thereon, and further provided that streets, curbs, sidewalks and driveways shall be permitted to occupy the easement, subject to the rights granted hereunder.

AND THE SAID GRANTOR, for itself, its successors and assigns, does by these presents further covenant, promise and agree to and with the said Grantee, its successors and assigns, that the said Grantor, its successors and assigns shall maintain the surface of the tract or parcel over which the said right-of-way does pass, until such time as Grantee, or its successors and assigns, shall construct or shall have constructed a public cartway thereupon, at which time said maintenance obligation shall forever cease and terminate as to the cartway so constructed.

Nothing herein stated, however, shall limit, modify or invalidate any contractual duties or obligations now or hereafter binding Grantor, its successors and assigns.

AND THE SAID GRANTOR, for itself, its successors and assigns, by these presents, covenants, promises, and agrees to and with the said Grantee, its successors and assigns, that neither the Grantor, nor its successors and assigns shall nor will at any time hereafter ask, demand, or recover or receive of or from the said Grantee, its successors and assigns, any sum or sums of money as and for damages for or by reason of the physical grading of the said street to the grade as now established by the Township of South Whitehall, Grantee hereunder, and if such grade shall not be established at the day of the date of these presents that neither the said Grantor, nor its successors or assigns, shall nor will at any time hereafter ask, demand, recover or receive any such damage by reason of the physical grading of said street to conform to the grade as first thereafter established or confirmed by the said Township of South Whitehall.

AND THE SAID GRANTOR, for itself, its successors and assigns, does by these presents further covenant, promise and agree to and with the said Grantee, its successors and assigns, that it, the said Grantor, its successors and assigns, shall specially warrant and forever defend the real estate interests conveyed hereby.

IN WITNESS WHEREOF, the Grantor has caused this instrument to be properly executed the day and year first above written.

ATTEST:

COUNTY OF LEHIGH

By _____

By _____
Donald T. Cunningham, Jr.

COMMONWEALTH OF PENNSYLVANIA

:

:SS

COUNTY OF LEHIGH

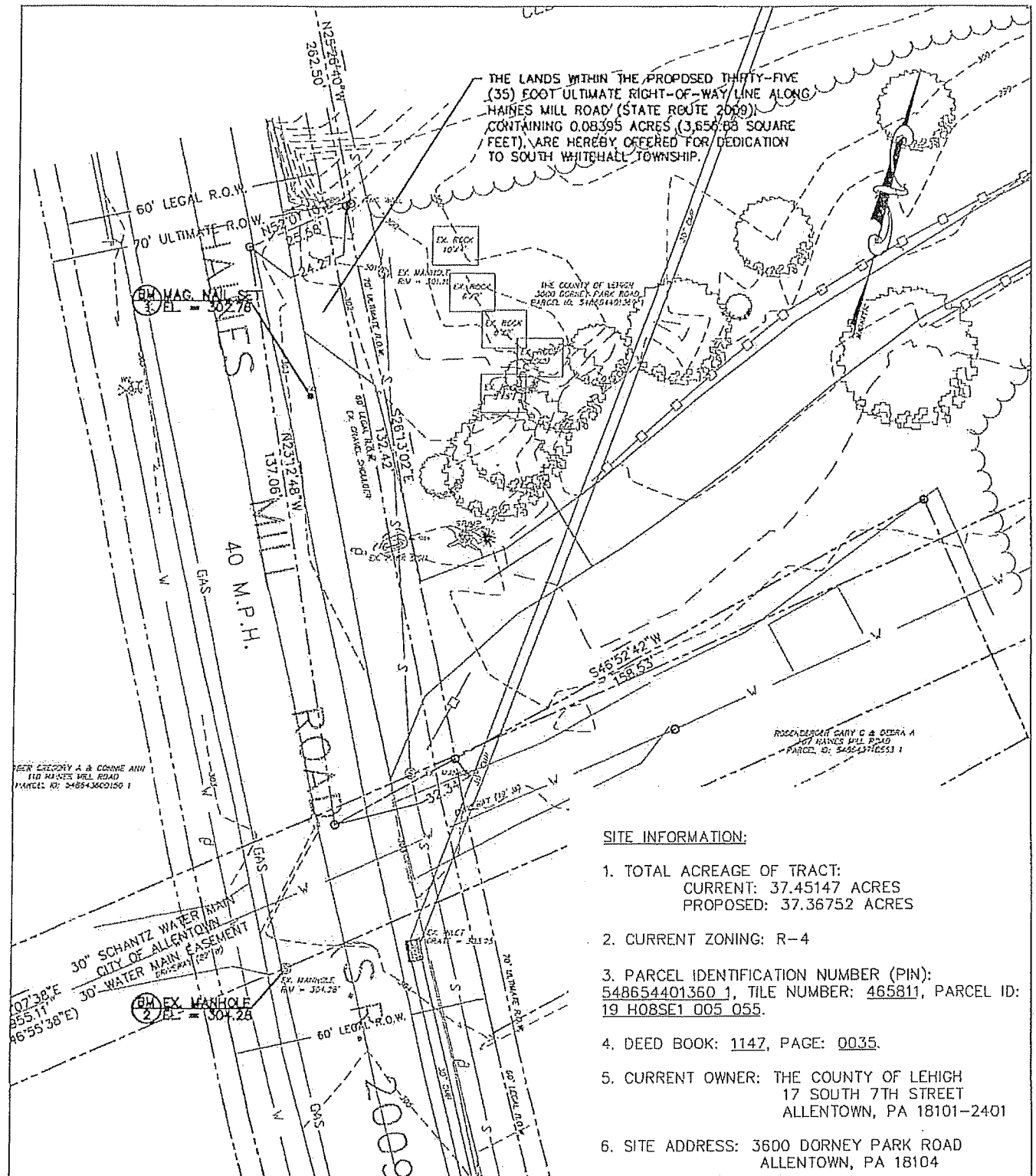
:

On this, the _____ day of _____, 20____, before me, a Notary Public, personally appeared Donald T. Cunningham, Jr., who acknowledged himself to be the elected County Executive of the COUNTY OF LEHIGH, Grantor herein, and that he as such officer, being authorized to do so, executed the foregoing instrument for the purpose therein contained.

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

Notary Public

I hereby certify that the precise address of the within Grantee is 4444 Walbert Avenue, Allentown, Pennsylvania 18104.



SITE INFORMATION:

1. TOTAL ACREAGE OF TRACT:
CURRENT: 37.45147 ACRES
PROPOSED: 37.36752 ACRES
2. CURRENT ZONING: R-4
3. PARCEL IDENTIFICATION NUMBER (PIN):
548654401360_1, TILE NUMBER: 465811, PARCEL ID:
19 H08SE1 005 055.
4. DEED BOOK: 1147, PAGE: 0035.
5. CURRENT OWNER: THE COUNTY OF LEHIGH
17 SOUTH 7TH STREET
ALLANTOWN, PA 18101-2401
6. SITE ADDRESS: 3600 DORNEY PARK ROAD
ALLANTOWN, PA 18104



REMINGTON, VERNICK & BEACH ENGINEERS

922 FAYETTE STREET, CONSHOHOCKEN, PA. 19428

(610) 940-1050, FAX: (610) 940-1161, WEB SITE ADDRESS: WWW.RVE.COM

SCALE	DATE	DRAWN BY	DSGN. BY	CHK'D. BY	DWG. NO.	SHEET NO.
1:30	8/25/2010	OMH	OMH	TFB	PLLCX002	1 OF 1

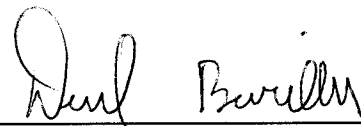
DWG FILE PATH/NAME

C:\Drafting\Drafting\PA\Lehigh County\PLLCX002 - Haines Mill Road\HAINES MILL ROAD\DWG\HAINES MILL ROAD 0508.dwg

COUNTY OF LEHIGH ORDINANCE 2011 – NO. 109

CERTIFICATION

I, DAVID BARILLA, Clerk to the Board of Commissioners of Lehigh County, do hereby certify that the attached is a true and correct copy of the ordinance adopted at a regular meeting of the Commissioners of Lehigh County held on the 9th day of February, 2011, and approved on the 16th day of February, 2011 by the Lehigh County Executive, and effective on the 26th day of February, 2011.



DAVID BARILLA, Clerk
Board of Commissioners