

RUSH TOWNSHIP ORDINANCE #166

BOOK NO. PAGE

AN ORDINANCE OF RUSH TOWNSHIP, SCHUYLKILL COUNTY, PENNSYLVANIA, PROVIDING FOR THE VACATION OF A PORTION OF OAK LANE NORTH OF LINCOLN AVENUE AND SOUTH OF WYOMING STREET WHICH IS LOCATED PARTIALLY THROUGH THE PROPERTY OF ROBERT W. FOX AND PARTIALLY BETWEEN THE PROPERTY OF ROBERT W. FOX AND OSCAR J. STEWART AND THE ACCEPTANCE OF A DEED OF DEDICATION FOR THE RELOCATION OF A PORTION OF OAK LANE ON THE PROPERTY OF ROBERT W. FOX AS DESCRIBED IN THE FINAL SUBDIVISION PLAN OF ROBERT W. FOX AND THE PROPOSED ORDINANCE.

WHEREAS, Rush Township, following a public hearing and at a public Board of Supervisors meeting held August 19, 2008 approved and entered into an agreement (the "Agreement") to abandon a portion of Oak Lane and accept a dedication for the relocation of Oak Lane upon the satisfaction of the conditions set forth in the Agreement with MBC Development LP (the "Developer") and Robert W. Fox (the "Owner");

WHEREAS, the Final Subdivision Plan of Robert W. Fox has been approved and recorded in the Schuylkill County Recorder of Deeds Office in Map Book 57 at Page 15 as revised by a Corrective Plan intended to be resigned and recorded (the "Final Subdivision Plan"), and the Developer has satisfied the conditions set forth in Section 7 and elsewhere in the Agreement;

WHEREAS, pursuant to the Township Code, the Township has held a public hearing to receive public comment on the adoption of this Ordinance vacating a portion of Oak Lane, which was duly advertised, has given notice to the adjoining landowners on Oak Lane, and has advertised that the Supervisors would take action on this Ordinance;

WHEREAS, the Final Subdivision Plan has been approved by the Planning Commission and the Board of Supervisors and the Developer has represented that the Highway Occupancy Permits from the Pennsylvania Department of Transportation and other permits and approvals specified in the Agreement have been obtained and copies have been provided to the Township;

WHEREAS, it is the opinion of the Supervisors that it is in the best interest of the Township to vacate the portion of Oak Lane as described in this Ordinance and to accept the dedication of Lot 3 described herein from Robert W. Fox for the relocation of Oak Lane.

NOW THEREFORE, the Supervisors of Rush Township, Schuylkill County, Pennsylvania do hereby ordain as follows:

1. That pursuant to the Pennsylvania Acts of General Assembly of 1933, P.L. 103 as amended, and as set forth in 53 P.S. 67304 and 67305, it is hereby determined that the following portions of Oak Lane are hereby vacated as a public road and closed to public use and travel:

AREA NO. 1
TO BE VACATED BY RUSH TOWNSHIP
LEGAL DESCRIPTION

ALL THAT CERTAIN PIECE OR PARCEL of land situate in the Township of Rush, County of Schuylkill, Commonwealth of Pennsylvania, bounded and described as follows:

BEGINNING at a point at the southeast corner of the subject tract along the northern right-of-way line of Lincoln Street (State Route 1021).

THENCE along the right-of-way line of Lincoln Street north $77^{\circ}49'30''$ west a distance of 33.63 feet to a point;

THENCE through lands of Robert W. Fox north $23^{\circ}17'10''$ east a distance of 150.36 feet to point;

THENCE along the southern right-of-way line of Bnosky Street south $77^{\circ}50'00''$ east a distance of 33.63 feet to a point;

THENCE through lands of Robert W. Fox south $23^{\circ}17'13''$ west a distance of 150.37 feet to the POINT OF BEGINNING;

Containing an area of 4,962.2 square feet or 0.11 acres more or less.

Shown as Area No. 1 on a subdivision plan prepared by G. & Albert Consultants, P.C. and recorded in the Schuylkill County Recorder of Deeds Office in map book 57 page 15, as updated by Corrective Plan of Final Subdivision Plan recorded in map book 57 at page 31.

AREA NO. 2
TO BE VACATED BY RUSH TOWNSHIP
LEGAL DESCRIPTION

ALL THAT CERTAIN PIECE OR PARCEL of land situate in the Township of Rush, County of Schuylkill, Commonwealth of Pennsylvania, bounded and described as follows:

BEGINNING at a point at the northeast corner of the subject tract along the southwesterly right-of-way line of Wyoming Street. Said tract being a portion of Oak Lane to be vacated.

THENCE along the right-of-way line of Wyoming Street north $61^{\circ}31'11''$ east a distance of 33.00 feet to a point;

THENCE along lands of Robert W. Fox south $28^{\circ}00'00''$ east a distance of 142.50 feet to point;

THENCE along the southern right-of-way line of Oak Lane south 62°00'00" west a distance of 25.00 feet to a point;

THENCE along the southern right-of-way line of Bnosky Street north 77°50'00" west a distance of 31.29 feet to a point;

THENCE across Bnosky Street north 12°10'00" east a distance of 20.00 feet to a point;

THENCE along lands of Oscar J. Stewart south 77°50'00" east a distance of 3.94 feet to point;

THENCE continuing along lands of Oscar J. Stewart north 28°00'00" west a distance of 109.31 feet to the POINT OF BEGINNING;

Containing an area of 4,918.39 square feet or 0.113 acres more or less.

Shown as Area No. 2 on a subdivision plan prepared by G. & Albert Consultants, P.C. and recorded in the Schuylkill County Recorder of Deeds Office in map book 57 page 15, as updated by Corrective Plan of Final Subdivision Plan recorded in map book 57 at page 31.

2. In connection with the above vacation of Area No. 1, the Supervisors are authorized to execute, acknowledge and deliver a deed conveying Area No. 1 to Robert W. Fox who is the owner of the adjoining land on both sides of Area No. 1 being vacated, which Area No. 1 shall be included in Lot 4.

3. In connection with the above vacation of Area No. 2, the Supervisors are authorized to execute, acknowledge and deliver a deed conveying the western part of Area No. 2 described as follows to Oscar J. Stewart:

LOT 2A
TO BE CONVEYED FROM RUSH TOWNSHIP TO OSCAR J. STEWART
LEGAL DESCRIPTION

ALL THAT CERTAIN PIECE OR PARCEL of land situate in the Township of Rush, County of Schuylkill, Commonwealth of Pennsylvania, bounded and described as follows:

BEGINNING at an iron pin at the northeast corner of the subject tract along the southern right-of-way line of Wyoming Street (Township Road).

THENCE along Lot 2B the following courses and distances:

- South 28°00'00" east a distance of 125.86 feet to a point;
- South 62°00'00" west a distance of 12.54 feet to a point;
- North 77°50'00" west a distance of 17.56 feet to a point;