

ORDINANCE NO. 111

RUSH TOWNSHIP, SCHUYLKILL COUNTY, PENNSYLVANIA

**AN ORDINANCE ACCEPTING THE DEDICATION OF ELI STREET
AS A PUBLIC STREET.**

AND, NOW, BE IT ORDAINED THIS 25th day of

July, 1994, by the Rush Township Board of Supervisors as follows:

1. That the Deed of Dedication dated February 3, 1994, between the Mary A. Miller Estate and the Rush Township Board of Supervisors be accepted as a public street; and,
2. The Rush Township Board of Supervisors hereby find that the Dedication of Eli Street as a public street shall serve the public interest and is reasonably necessary for the safety and convenience of the citizens and residents of Rush Township, Schuylkill Count, Pennsylvania; and,
3. That the Board of Supervisors is hereby authorized to record the Deed of Dedication in the Office for the Recorder of Deeds of Schuylkill County, Pennsylvania and to record this Ordinance together with any necessary Resolutions in the Clerk of Courts Office and to maintain any and all records necessary to complete the ordination process and to pay all costs associated therewith; and,
4. That the Rush Township Board of Supervisors hereby authorized to execute a Resolution identifying the street as ELI STREET which shall conform to the description set forth in the Deed of Dedication. A copy of that description together with a map of the said street is attached hereto and forms a part of this Ordinance; and,
5. That the length of the said Eli Street shall be Six Hundred, Thirty-five

(625') feet plus an additional eighty (80') feet consisting of the diameter of a cul-de-sac with a cartway and right-of-way being thirty-three (33') feet wide from the beginning to ending as described in the attached Deed of Dedication.

RUSH TOWNSHIP
BOARD OF SUPERVISORS

Donald L. Gervase

Raymond R. Boyer

Kevin Motroni

ATTEST:

Carol Ann Opet
SECRETARY

(SEAL)

RESOLUTION NO.

RUSH TOWNSHIP

SCHUYLKILL COUNTY, PENNSYLVANIA

WHEREAS, a private road known as Eli Street, a private road formerly owned by the Estate of Mary A. Miller having been constructed to specifications put forth by Rush Township so as to qualify as a public road; and,

WHEREAS, a Deed of Dedication dated February 3, 1994 between the Mary A. Miller Estate and the Rush Township Board of Supervisors has been accepted by the Rush Township Board of Supervisors at a regular meeting;

NOW, THEREFORE, BE IT HEREBY RESOLVED, this

25th day of July, 1994, as follows:

1. The Deed of Dedication dated February 3, 1994, between the Mary A. Miller Estate and the Rush Township Board of Supervisors is hereby accepted by Rush Township and that the land described therein shall be accepted and ordained as a public street or road of Rush Township, Schuylkill County, Pennsylvania; and
2. That the name of the said street shall be **ELI STREET**; and,
3. That the description of the said street shall be that as set forth in the Deed of Decision attached hereto and forming a part of this Resolution as Exhibit "A".
4. That the Rush Township Board of Supervisors, the Secretary of the Township and all officers of the Township are hereby authorized to file a copy of this Resolution together with any Ordinance and any map which is attached to Exhibit "A" and

formed as a part thereof, with the Clerk of Courts, the Pennsylvania Department of Transportation, and to file the same as part of the official records of Rush Township, as well as any other public body which shall require a copy of the said description or documents in order to complete this dedication and ordination of this street as a public street.

5. That the Ordination of Eli Street as a public street is in the best interest of the Township of Rush and its citizens.

RESOLVED the date and year first written above.

**RUSH TOWNSHIP
BOARD OF SUPERVISORS**

Ronald T. McNamee
Raymond R. Boyer
Rene Motronis

ATTEST:

Carol Ann Oget
SECRETARY

(SEAL)

DEED OF DEDICATION

THIS DEED, made this 3RD day of FEBRUARY, in the year nineteen hundred and ninety-four (1994), between

RICHARD E. MILLER, M.D., and RALPH E. MILLER, surviving Administrators d.b.n.c.t.a. of the Estate of MARY A. MILLER, Deceased, late of the Township of Rush, County of Schuylkill and Commonwealth of Pennsylvania, parties of the first part (hereinafter called the Grantors),

A

N

D

THE RUSH TOWNSHIP BOARD OF SUPERVISORS, of the Township of Rush, County of Schuylkill and Commonwealth of Pennsylvania, party of the second part (hereinafter called the Grantee).

WITNESSETH: That the said Grantors, for and in consideration of the advantage to them accruing as well as for divers other considerations affecting the public welfare which they seek to advance, have granted, bargained, sold, aliened, enfeoffed, released and confirmed and by these presents do grant, bargain, sell, alien, enfeoff, release and confirm unto the said Grantee, its Successors and Assigns:

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

BEGINNING at a point being the Northwest corner of Hometown Avenue and Eli Street; thence along the West side of Eli Street North Eight Degrees Thirty Minutes East (N. 08° 30' E.) Six Hundred Forty-five (645') Feet, more or less to a point on a cul de sac with a diameter of Eighty (80') Feet; thence along the circumference of an arc distance of Two Hundred Twenty (220') Feet to the East side of Eli Street; thence along the East side of Eli Street South Eight Degrees Thirty Minutes West (S. 08° 30' W.) Six Hundred Forty-five (645') Feet to the North side of Hometown Avenue; thence along the North side of Hometown Avenue North Eighty-one Degrees Thirty Minutes West (N. 81° 30' W.) Thirty-three (33') Feet to the point of beginning.

CONTAINING Twenty-six Thousand Three Hundred Nine (26,309 sq.ft.) Square Feet or Six Hundred Four Thousandths of an acre (0.604 ac.) and being all of Eli Street, as shown on map of Steven

Tynio, R.S., dated January 24, 1994, a copy thereof being attached hereto and made a part hereof.

BEING A PART OF THE PREMISES conveyed to Richard E. Miller, Sr., by Deed dated April 25, 1910, from Thomas and Mary Purcell, recorded in Deed Book 357, Page 54. The said Richard E. Miller, Sr. died testate on February 5, 1928, his Will being recorded in Will Book 29, Page 181, devising his entire estate to his wife, Mary A. Miller. The said Mary A. Miller died testate on November 21, 1928, her Will being recorded in Will Book 29, Page 666. On October 5, 1982, Richard E. Miller, M.D., Nellie R. Scutzlas, and Ralph E. Miller were duly appointed as Administrators d.b.n.c.t.a. of the said Mary A. Miller Estate. The said Nellie R. Scutzlas died January 10, 1988, so that the grantors hereto have become the surviving Administrators d.b.n.c.t.a., and they make this conveyance in accordance with the powers vested in them by law and under the provisions of the said decedent's Will.

TO HAVE AND TO HOLD, the said lot or piece of ground above described unto the said Grantee, to and for the only proper use and behoof of said Grantee, its successors and assigns forever, as and for public use and as a street or roadway and for no other use or purpose whatsoever and to the same extent and with the same effect as if the said street or roadway had been opened by a Decree of the Court of Common Pleas, Criminal Division, for the County of Schuylkill, after proceedings duly had for that purpose under and in pursuance of the Road Laws of the Commonwealth of Pennsylvania.

And the said Grantors, for themselves, their heirs, successors and assigns, by these presents covenant, promise and agree to and with the said Grantee, its successors and assigns, that neither the Grantors nor their heirs, 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 said street or roadway to the grade as now established, and if such grade shall not be established at the day of the date of these presents that neither the said Grantors nor their heirs, successors and assigns, shall nor will at any time thereafter ask, demand, recover or receive any such damage by reason of the physical grading of said street or roadway to conform to the grade as first thereafter established or confirmed.

And the said Grantors, for themselves, their heirs, successors and assigns do by these presents further covenant,

promise and agree to and with said Grantee, its successors and assigns, that the said lot of ground above described unto the said Grantee, its successors and assigns, against them the said Grantors, their heirs, successors and assigns, and against all and any person or persons whomsoever lawfully claiming or to claim the same or any part thereof, by, from or under them or any of them shall and will warrant and forever defend.

IN WITNESS WHEREOF, the Grantors have caused these presents to be duly executed the day and year first above written.

Richard E. Miller, M.D. (SEAL)
Richard E. Miller, M.D.

Ralph E. Miller (SEAL)
Ralph E. Miller

Administrators d.b.n.c.t.a. of the
Estate of MARY A. MILLER, Deceased

COMMONWEALTH OF PENNSYLVANIA :
: ss.
COUNTY OF SCHUYLKILL :

On this, the 3RD day of FEBRUARY, 1994,
before me the undersigned officer, personally appeared Richard E.
Miller, M.D. and Ralph E. Miller, surviving administrators
d.b.n.c.t.a. of the Estate of Mary A. Miller, Deceased known to
me (or satisfactorily proven) to be the persons whose names are
subscribed to the within Deed of Dedication and acknowledged that
they executed the same for the purposes therein contained.

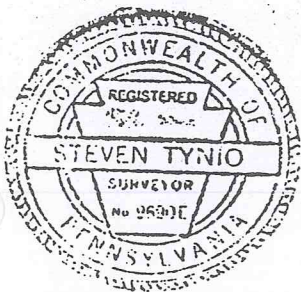
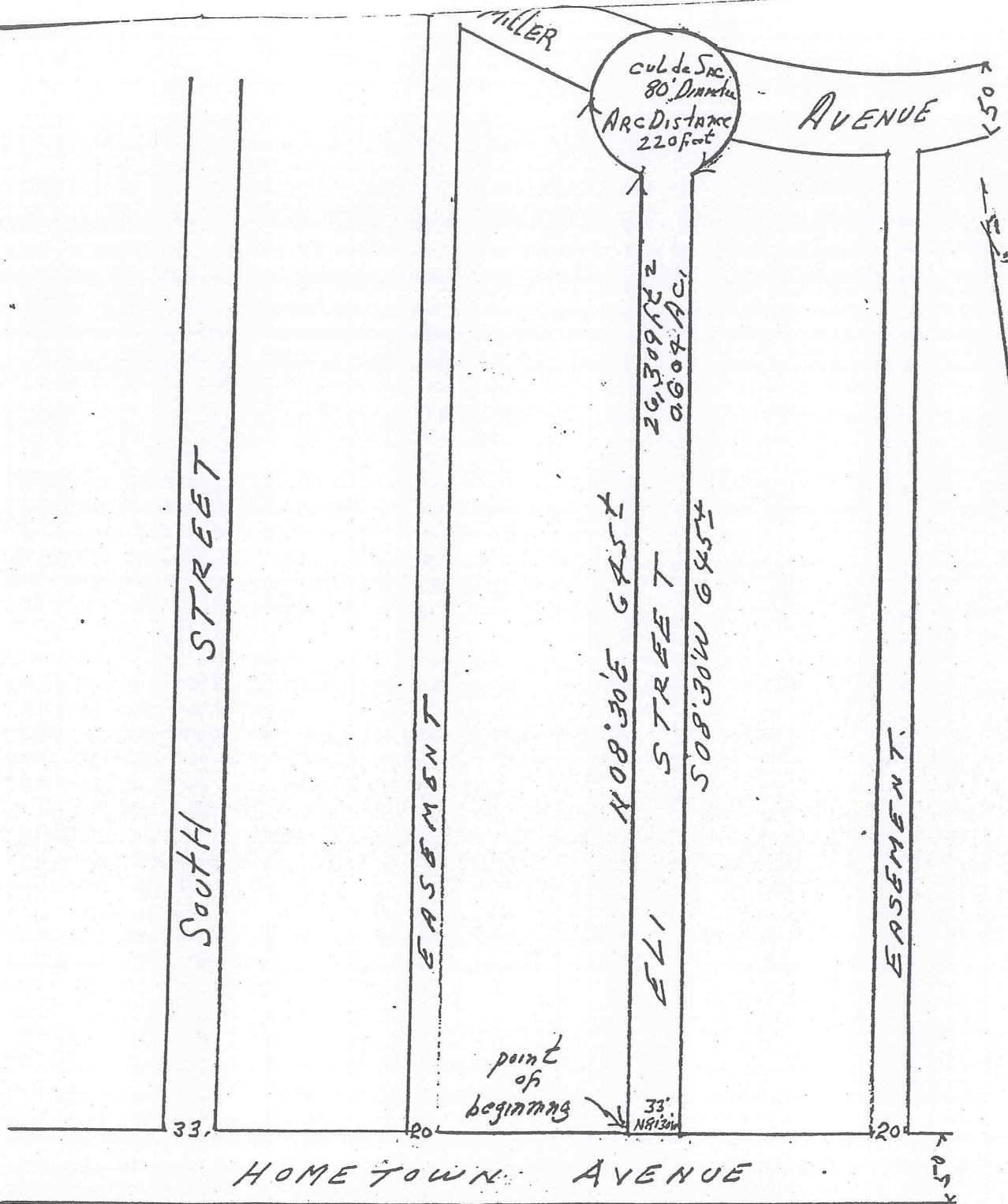
IN WITNESS WHEREOF, I hereunto set my hand and official
seal.

Lori L. Steigerwalt
Administrator of Oaths

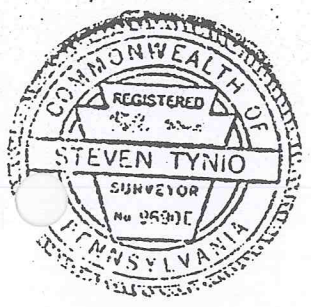
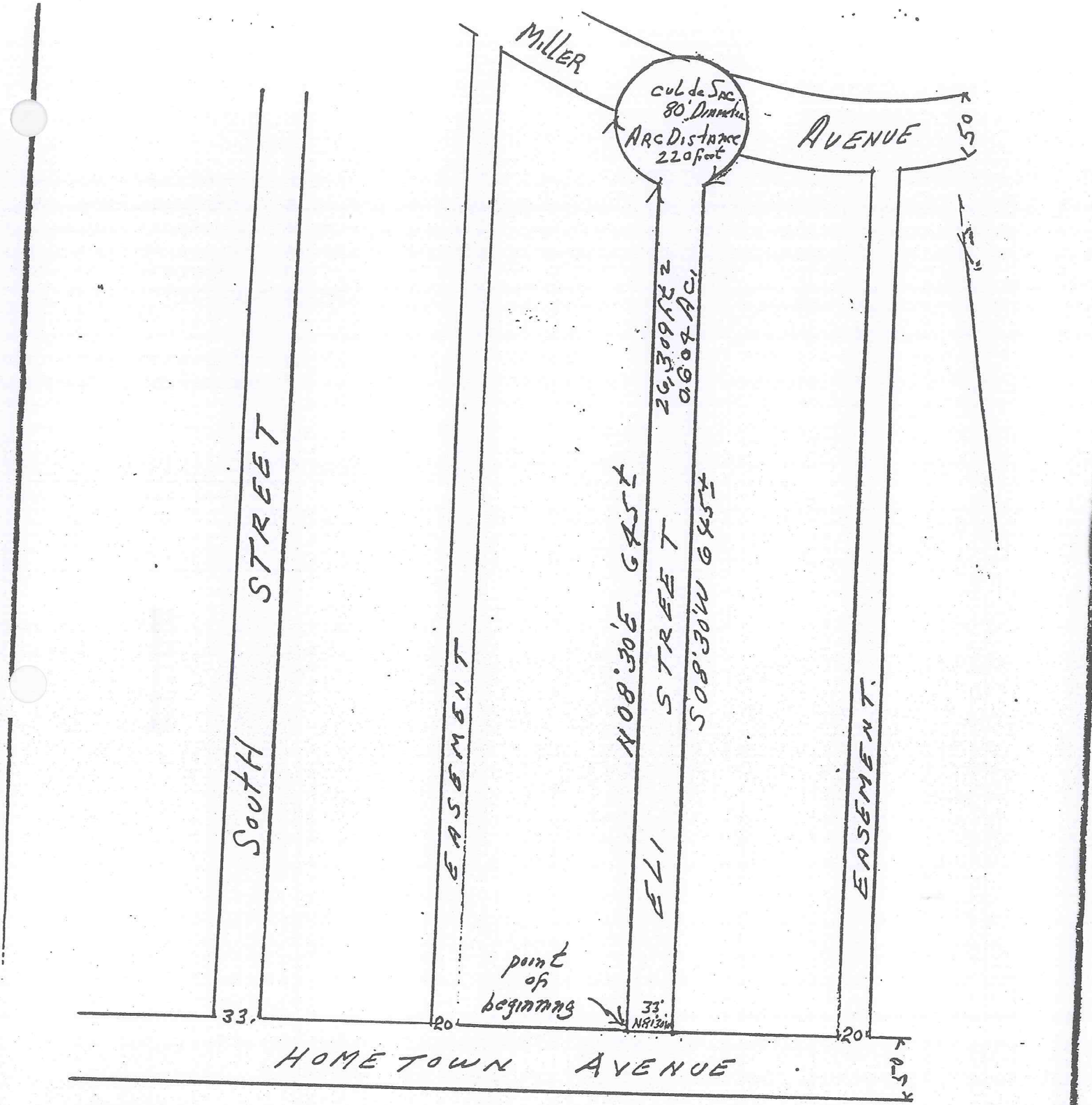
NOTARIAL SEAL
LORI L. STEIGERWALT Notary Public
Tamaqua Boro Schuylkill County Pa.
My Commission Expires Dec 2, 1996

The address of Grantee is:

R.D.#1, Box 1326, Tamaqua, PA 18252



ELI STREET DESCRIPTION
 RUSH TOWNSHIP
 SCHUYLKILL COUNTY
 1"-100' PENNSYLVANIA 1-24-94



ELI STREET DESCRIPTION.
RUSH TOWNSHIP.
SCHUYLKILL COUNTY
1"=100' PENNSYLVANIA 1-24-94

DESCRIPTION OF ELI STREET

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

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