

**UPPER SAUCON TOWNSHIP
LEHIGH COUNTY
ORDINANCE NO. 163**

**AN ORDINANCE PURSUANT TO SECTION 2304 OF THE SECOND
CLASS TOWNSHIP CODE VACATING A PORTION OF SHORT ROAD
(TR 836) LOCATED SOUTH OF ITS INTERSECTION WITH PASSER
ROAD (SR 2028)**

A. LEGISLATIVE HISTORY

WHEREAS, Section 2304 of the Second Class Township Code (hereinafter, “Code”) authorizes the Board of Supervisors to vacate roads which are located wholly or partially within the Township; and

WHEREAS, Short Road (T.R. 836) is a Township road which was laid out originally from a point beginning at or near Spur 153 to the north and continuing in a southerly direction across Passer Road (SR 2028) to its terminus at a point of intersection with SR 309 (S.R. 0309); and

WHEREAS, on June 3, 1962, the Township Board of Supervisors (hereinafter, “Supervisors”) enacted Ordinance No. 22 vacating the segment of Short Road commencing at its northerly point and continuing south to its intersection with Passer Road; and

WHEREAS, on May 24, 2005, the Supervisors enacted Ordinance No. 133 which vacated the remaining segment of Short Road commencing at Passer Road and extending South to SR 309, *conditioned upon* Newman Development Group (“NDG”) becoming the landowner of the land abutting the vacated road; and

WHEREAS, NDG never became the landowner, and accordingly the condition never occurred; and

WHEREAS, the vacation of Short Road is again before the Board of Supervisors at the request of Provco Pineville Acquisition, LLC (hereinafter, “Petitioner”) in connection with a certain land development plan; and

WHEREAS, Petitioner requests that the Supervisors vacate a portion of the remaining segment of Short Road commencing at the point of intersection with Passer Road to the north and extending south as more particularly depicted on a Drawing by Bohler Engineering, dated July 25, 2018, Project Number PC161373, and described in a metes and bounds description prepared by Control Point Associates, Inc., dated February 21, 2018, last revised July 27, 2018, all attached hereto and made a part hereof as **Exhibit A**; and

WHEREAS, the vacation of Short Road is requested in connection with the development of multiple properties adjacent thereto, which properties, after consolidation and development, will have improved access to both Passer Road and SR 309; and

WHEREAS, there exists two properties abutting or in close proximity to the remaining portion of Short Road which is not proposed to be vacated and which are owned by APS Associates, LLC (hereinafter, “APS”), and designated by PINs 642451179772-1 and 642451266543-1 (hereinafter, “Properties”); and

WHEREAS, APS has access to and from SR 309 for the purpose of ingress and egress to the Properties; and

WHEREAS, the Township has provided written notice to all property owners having property located adjacent to all or part of Short Road pursuant to Section 2305 of the Code; and

WHEREAS, the Supervisors have held a hearing on the proposed Ordinance pursuant to Section 2305 of the Code; and

WHEREAS, the Supervisors find that the vacation of the portion of Short Road described and depicted in **Exhibit A** is appropriate, lawful, consistent with the public health, safety and general welfare and in the best interest of the Township.

B. ORDINANCE PROVISIONS

NOW, THEREFORE, it is hereby enacted and ordained by the Supervisors of Upper Saucon Township, Lehigh County, Pennsylvania, as follows:

1. The segment of Short Road, commencing at the point of Short Road's intersection with Passer Road at the north and extending south as more particularly depicted and described in **Exhibit A**, is hereby vacated with the underlying portion of said road to revert to abutting landowners in accordance with applicable law.
2. The Township Manager is directed to file a copy of this Ordinance in the Office of the Clerk of the Court of Common Pleas of Lehigh County in accordance with Section 2305(b) of the Second Class Township Code.
3. All Ordinances or parts of ordinances which are inconsistent herewith are hereby repealed. Ordinance No. 133, dated May 24, 2005, is specifically repealed.
4. If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Board of Supervisors that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.
5. This Ordinance shall become effective five (5) days after adoption or as otherwise provided in Article XXIII of the Second Class Township Code.

DULY ADOPTED this 10th day of September, 2018 by the Board of Supervisors of the Township of Upper Saucon, Lehigh County, Pennsylvania, in lawful session duly assembled.

Chairman

Vice Chairman

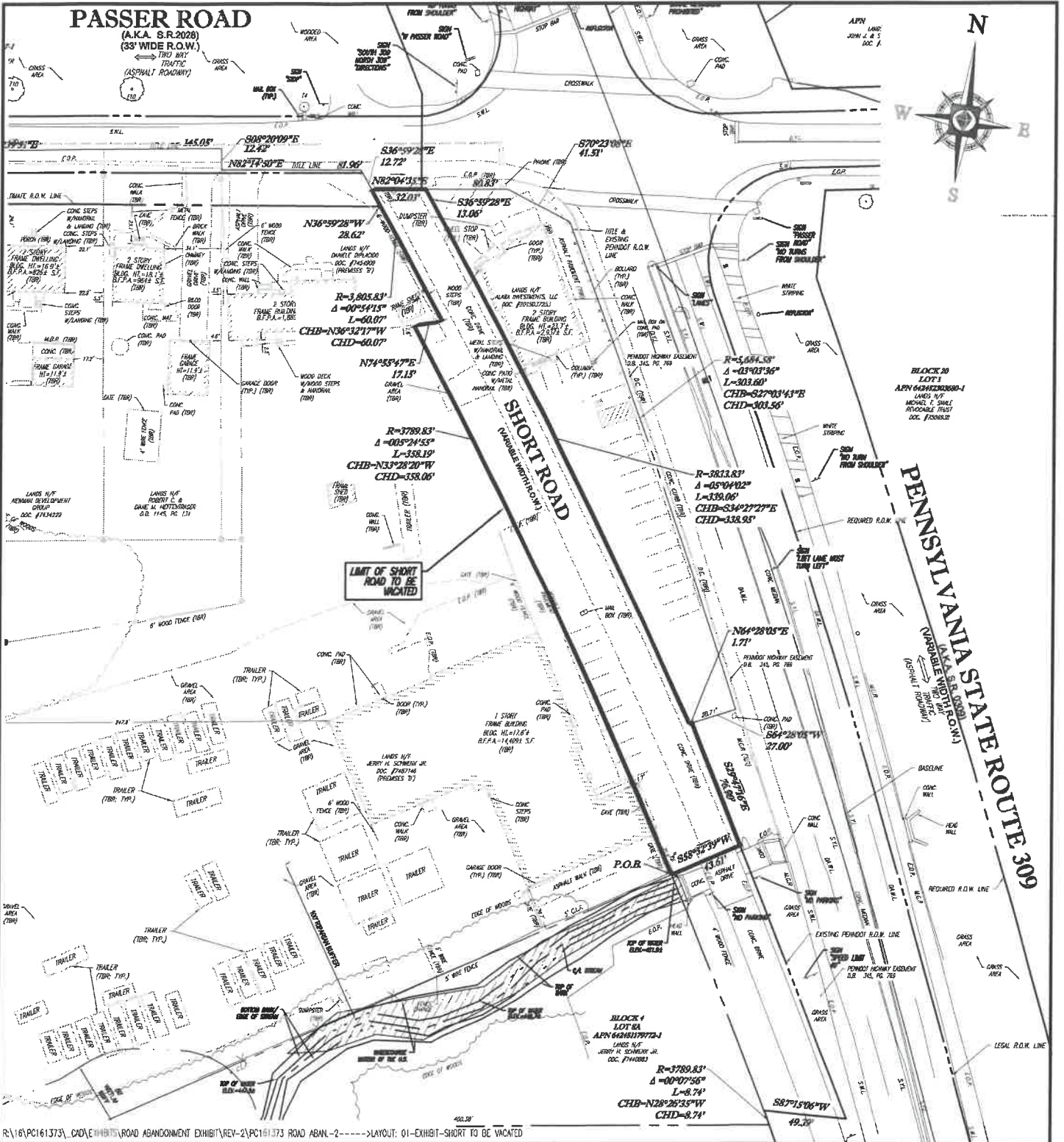
Supervisor

Supervisor

Supervisor

ATTEST:

Secretary



R:\16\PC161373_CAD\EXHIBITS\ROAD ABANDONMENT EXHIBIT\REV-2\PC161373 ROAD ABAN-2-----LAYOUT: 01-EXHIBIT-SHORT TO BE VACATED

PROJECT NAME: **PROVCO PINEVILLE AQUISITIONS, LLC**
 ROUTE 309 & PASSER ROAD, UPPER SAUCON TOWNSHIP
 LEHIGH COUNTY, PENNSYLVANIA 18036

SHEET TITLE:
ROAD VACATION PLAN
SHORT ROAD
 SHEET 1 OF 2

SCALE: 1"=80'
 DATE: 07/25/18
 CHECKED BY: E.A.B.
 PROJECT NUMBER: PC161373

BOHLER ENGINEERING TM

1000 W. SUITE 200 CHALFONT, PA 18914
 996-9100 FAX: (215) 996-9102
 ARE PROPRIETARY AND SHALL NOT BE COPIED OR USED FOR ANY PURPOSE
 EXCEPT AS AUTHORIZED BY BOHLER ENGINEERING. ONLY APPROVED, SIGNED AND SEALED PLANS SHALL BE

EXHIBIT
A
PC161373



**CONTROL POINT
ASSOCIATES, INC.**
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February 21, 2018
Revised July 27, 2018
02-170063-00

METES AND BOUNDS DESCRIPTION
AREA OF SHORT ROAD TO BE VACATED
UPPER SAUCON TOWNSHIP, LEHIGH COUNTY
COMMONWEALTH OF PENNSYLVANIA

BEGINNING AT A POINT ON THE SOUTHWESTERLY SIDE OF SHORT ROAD (VARIABLE WIDTH RIGHT-OF-WAY), AT THE INTERSECTION WITH THE DIVIDING LINE BETWEEN APN #642451179772-1, LANDS NOW OR FORMERLY APS ASSOCIATES, LLC AND APN #642451096845-1, LANDS NOW OR FORMERLY SCHWENK, AND FROM SAID POINT OF BEGINNING RUNNING, THENCE;

THE FOLLOWING FOUR (4) COURSES AND DISTANCES ALONG THE SOUTHWESTERLY SIDE OF SHORT ROAD:

1. ALONG THE ARC OF A CIRCLE CURVING TO THE LEFT, HAVING A RADIUS OF 3789.83 FEET, A CENTRAL ANGLE OF 05 DEGREES - 24 MINUTES - 55 SECONDS, AN ARC LENGTH OF 358.19 FEET, A CHORD BEARING NORTH 33 DEGREES - 28 MINUTES - 20 SECONDS WEST AND A CHORD DISTANCE OF 358.06 FEET TO A POINT, THENCE;
2. NORTH 74 DEGREES - 55 MINUTES - 47 SECONDS EAST, A DISTANCE OF 17.15 FEET TO A POINT, THENCE;
3. ALONG THE ARC OF A CIRCLE CURVING TO THE LEFT, HAVING A RADIUS OF 3805.83 FEET, A CENTRAL ANGLE OF 00 DEGREES - 54 MINUTES - 15 SECONDS, AN ARC LENGTH OF 60.07 FEET, A CHORD BEARING NORTH 36 DEGREES - 32 MINUTES - 17 SECONDS WEST AND A CHORD DISTANCE OF 60.07 FEET TO A POINT OF TANGENCY, THENCE;
4. NORTH 36 DEGREES - 59 MINUTES - 28 SECONDS WEST, A DISTANCE OF 28.62 FEET TO A POINT ON THE SOUTHEASTERLY RIGHT-OF-WAY LINE AND TITLE LINE OF PASSER ROAD (A.K.A. S.R. 2028, 33 FOOT WIDE LEGAL RIGHT-OF-WAY), THENCE;
5. ALONG THE SOUTHEASTERLY TITLE LINE AND RIGHT-OF-WAY LINE OF PASSER ROAD, NORTH 82 DEGREES - 04 MINUTES - 35 SECONDS EAST, A DISTANCE OF 32.03 FEET TO A POINT, THENCE;

THE FOLLOWING THREE (3) COURSES AND DISTANCES ALONG THE NORTHEASTERLY SIDE OF SHORT ROAD:

6. SOUTH 36 DEGREES - 59 MINUTES - 28 SECONDS EAST, A DISTANCE OF 13.06 FEET TO A POINT OF CURVATURE, THENCE;
7. ALONG THE ARC OF A CIRCLE CURVING TO THE RIGHT, HAVING A RADIUS OF 3833.83 FEET, A CENTRAL ANGLE OF 05 DEGREES - 04 MINUTES - 02 SECONDS, AN ARC LENGTH OF 339.06

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and Consulting Services





FET, A CHORD BEARING SOUTH 34 DEGREES - 27 MINUTES - 27 SECONDS EAST AND A CHORD DISTANCE OF 338.95 FEET TO A POINT, THENCE;

- 8. NORTH 64 DEGREES - 28 MINUTES - 05 SECONDS EAST, A DISTANCE OF 1.71 FEET TO A POINT ON THE SOUTHWESTERLY LEGAL RIGHT-OF-WAY LINE OF PENNSYLVANIA STATE ROUTE 309 (A.K.A. S.R. 0309, VARIABLE WIDTH LEGAL RIGHT-OF-WAY), THENCE;

THE FOLLOWING TWO (2) COURSES AND DISTANCES ALONG THE SOUTHWESTERLY LEGAL RIGHT-OF-WAY LINE OF PENNSYLVANIA STATE ROUTE 309:

- 9. SOUTH 29 DEGREES - 47 MINUTES - 16 SECONDS EAST, A DISTANCE OF 76.90 FEET TO A POINT, THENCE;
- 10. SOUTH 58 DEGREES - 32 MINUTES - 39 SECONDS WEST, A DISTANCE OF 43.61 FEET TO THE POINT AND PLACE OF BEGINNING.

CONTAINING 17,930 SQUARE FEET OR 0.411 ACRE

THIS PROPERTY SUBJECT TO RESTRICTIONS, COVENANTS AND/OR EASEMENTS EITHER WRITTEN OR IMPLIED.

THIS DESCRIPTION WAS WRITTEN BASED UPON AN EXHIBIT ENTITLED "ROAD VACATION PLAN, SHORT ROAD, PROVCO PINEVILLE ACQUISITIONS, LLC, ROUTE 309 & PASSER ROAD, UPPER SAUCON TOWNSHIP, LEHIGH COUNTY, PENNSYLVANIA", PREPARED BY BOHLER ENGINEERING, DATED 7/25/18, PROJECT NO. PC161373, SHEET 1 OF 2.

CONTROL POINT ASSOCIATES, INC.
 REGISTERED PROFESSIONAL
 JAMES C. WEED /27/2018
 JAMES C. WEED, SURV. DATE
 COMMONWEALTH OF PENNSYLVANIA
 PROFESSIONAL LAND SURVEYOR # SU075250

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 PREPARED BY: JAA
 REVIEWED BY: JCW

