

ORDINANCE NO. 194-2011

AN ORDINANCE OF THE TOWNSHIP OF PYMATUNING, MERCER COUNTY, PENNSYLVANIA, VACATING A PORTION OF BRENTWOOD DRIVE BEGINNING AT A POINT LOCATED ON THE EASTERN BOUNDARY OF THE RIGHT-OF-WAY FOR BRENTWOOD DRIVE, WHICH POINT IS 353.23 FEET NORTH OF THE NORTHERN BOUNDARY OF THE RIGHT-OF-WAY FOR SECOND STREET IN PYMATUNING TOWNSHIP.

WHEREAS, Salem Tube Inc., an owner of property abutting a portion of Brentwood Drive, which is located in Pymatuning Township, Mercer County, Pennsylvania, has petitioned the Board of Supervisors of Pymatuning Township to vacate a portion of Brentwood Drive on which its lands abut; which portion of Brentwood Drive is hereinafter described; and

WHEREAS, Salem Tube, Inc. has contacted the other owner of property abutting that portion of Brentwood Drive to be vacated, B.T. Moss, and said owner consents to Salem Tube Inc.'s petition to vacate; and

WHEREAS, under the authority of Act 60 of 1995, reenacting and amending the Act of May 1, 1933, (P.L. 103, No.69), 53 P.S. Section 67304, as amended, the Pymatuning Township Board of Supervisors may upon petition vacate a road or portion thereof within the Township.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED AS FOLLOWS:

Section 1: That the following portion of Brentwood Drive is hereby vacated as a public street:

BEGINNING at a point, said point being located on the eastern boundary of right-of-way for Brentwood Drive and 353.23 feet north of the northern boundary of the right-of-way for Second Street; thence South $48^{\circ} 10' 04''$ West across Brentwood Drive for a distance 50 feet to a point located on the western boundary of the right-of-way for Brentwood Drive; thence North $41^{\circ} 49' 59''$ West along said western boundary of the right-of-way for Brentwood Drive and land now or formerly of B.T. Moss, for a distance of 30.53 feet to a point; thence north along an arc on the western boundary of the right-of-way for Brentwood Drive an arc distance of 228.44 feet and a chord bearing of North $03^{\circ} 17' 58''$ East a distance of 205.53 feet to a point; thence North $48^{\circ} 25' 54''$ East along said western boundary of the right-of-way for Brentwood Drive and land now or formerly Salem Tube, Inc. for a distance of 26.50 feet to a point; thence South $41^{\circ} 51' 44''$ East across Brentwood Drive for a distance of 50 feet to a point located on the eastern boundary of the right-of-way for Brentwood Drive; thence South

48° 25' 54" West along the eastern boundary of the right-of-way for Brentwood Drive and land now or formerly Salem Tube, Inc, for a distance of 26.76 feet to a point; thence south along an arc on the eastern boundary of the right-of-way for Brentwood Drive an arc distance of 149.66 feet and a chord bearing of South 03° 17' 58" East a distance of 134.66 feet to a point; thence South 41° 49' 59" East along the eastern boundary of the right-of-way for Brentwood Drive and land now or formerly of Salem Tube, Inc, for a distance of 30.53 feet to a point, said point being the place of beginning. The total area vacated being 0.28 acres.

Said legal description being pursuant to a survey of Winslow Engineering, Inc. dated June 2, 2011.

Section 2: The vacation of the aforesaid portion of Brentwood Drive shall be subject to the rights of the Township and all public utilities to maintain, operate, repair and replace any poles, wires, pipes, conduits, sewer mains, water mains, or any other facility or equipment for the maintenance or operation of any utility now located in or upon said portion of Brentwood Drive vacated under Section 1 hereof.

Section 3: That title to the land occupied by said portion of Brentwood Drive hereby vacated under Section 1 hereof shall vest in the abutting property owners in accordance with existing law.

Section 4: Following the enactment of this Ordinance, a certified copy of this Ordinance, together with a survey of the vacated portion of Brentwood Drive, showing its location and width shall be filed in the Office of the Clerk of Court of Common Pleas, of Mercer County, Pennsylvania.

Section 5: The Township Secretary is authorized and directed to make the necessary changes and corrections on the plan or map of the roads in the Township of Pymatuning.

Section 6: This Ordinance is enacted and ordained pursuant to the Petition of Salem Tube, Inc. and the consent of the other adjacent property owner, B.T. Moss, in accordance with Act 60 of 1995, reenacting and amending the Act of May 1, 1933, (P.L. 103, No.69), 53 P.S. Section 67304, as amended, and by virtue of said Petition and consent the Township is released from all damages due to such vacation.

Section 7: The provision of this Ordinance shall be severable, and if any of the provisions hereof shall be held unconstitutional, void or otherwise unenforceable, such shall not affect the validity of any of the remaining provisions of this Ordinance.

Section 8: All ordinances or parts of ordinances inconsistent or in conflict with any of the provisions of this Ordinance are hereby repealed insofar as the same affect this Ordinance.

ENACTED AND ORDAINED, this 8th day of September, 2011.

ATTEST:

TOWNSHIP OF PYMATUNING:

James E. Leverty
Township Secretary

Richard F. Whitten
Supervisor

James F. Lowe
Supervisor

Supervisor

(SEAL)

Legal Description
Proposed Brentwood Drive Vacation Parcel
Pymatuning Township, Mercer County, Pennsylvania

All that piece or parcel of ground situate in Pymatuning Township, Mercer County, Pennsylvania being a part of a public road known as Brentwood Drive and further bound and described as follows;

Beginning for reference at a the intersection of the east Right-of-Way line of Brentwood Drive and the north Right-of-Way line of Second Street; thence, North 41 degrees 49 minutes 59 seconds West along the east Right-of-Way line of Brentwood Drive a distance of 353.23 feet to the place of beginning at the southeast corner of the parcel to be vacated; thence, South 48 degrees 10 minutes 04 seconds West a distance of 50.00 feet to a point on the west Right-of-Way line of Brentwood Drive; thence, North 41 degrees 49 minutes 59 seconds West a distance of 30.53 feet to a point; thence, along a curve to the right, said curve having a radius of 145.00 feet, an arc length of 228.44 feet, a chord bearing of North 03 degrees 17 minutes 58 seconds East and a chord length of 205.53 feet to a point; thence, North 48 degrees 25 minutes 54 seconds East a distance of 26.50 feet to a point; thence, South 41 degrees 51 minutes 44 seconds East a distance of 50.00 feet to a point; thence, South 48 degrees 25 minutes 54 seconds West a distance of 26.76 feet to a point; thence, along a curve to the left, said curve having a radius of 95.00 feet, an arc length of 149.66 feet, a chord bearing of South 03 degrees 17 minutes 58 seconds West and a chord length of 134.66 feet to a point; thence, South 41 degrees 49 minutes 59 seconds East a distance of 30.53 feet to the point of beginning and containing 0.28 acres of land, more or less.

Prepared by:

Winslow Engineering, Inc.
Consulting Engineers & Surveyors
P.O. Box 1390
1720 Valley View Road
Hermitage, PA 16148
724.962.7816 phone
724.962.7815 fax

File 3208
May 31, 2011

August 2011

PETITION FOR VACATING A PORTION

of

BRENTWOOD DRIVE from the EXISTING NORTHERNMOST POINT

of

THE EXISTING ROAD MAINTENANCE

ACROSS LANDS OF SALEM TUBE, INC.

to

**THE SOUTH PROPERTY LINE OF NORFOLK SOUTHERN RAILROAD
COMPANY**

located in

GREENVILLE REYNOLDS DEVELOPMENT

PYMATUNING TOWNSHIP, MERCER COUNTY, PA

To: Board of Supervisors of the Township Pymatuning,
Mercer County, Pennsylvania

We, the Undersigned owners of real estate abutting a portion of Brentwood Drive from the existing northernmost point of the existing road maintenance across lands of Salem Tube, Inc. to the south property line of Norfolk Southern Railroad Company located in Greenville Reynolds Development, Pymatuning Township, Mercer County, PA.

We understand that under the Act of May 1, 1933, P.L 103, Article XI, S1101, as amended (53 P.S. § 66101), the Pymatuning Township Board of Supervisors may vacate any road or parts thereof which are wholly within the township, upon the Petition of interested citizens. We, the owners of real estate abutting that portion of Brentwood Drive, further understand that the Board of Supervisors shall hold a hearing upon said Petition, following at least ten (10) days written notice to the property owners affected by the vacation of such road, of the time and place when and where all interested may meet to be heard.

We also understand and do hereby remise, release, quit-claim and forever discharge Pymatuning Township, Mercer County, Pennsylvania, its agents, servants, employees, officials and assigns, from all suits, damages, claims and demands which any of the Undersigned otherwise may have then entitled to assert under the provisions of the Eminent Domain Code, Act of June 22, 1964, P.L. 84, as amended, for or on account of any, vacation of, or injury to, or destruction of the aforesaid portion of Brentwood Drive through or by reason of the vacation or closing of said portion of Brentwood Drive.

This Petition requesting the vacation and closing of a portion of Brentwood Drive, from the existing northernmost point of existing maintenance across lands of Salem Tube, Inc. to the south property line of Norfolk Southern Railroad Company located in Greenville Reynolds Development, Pymatuning Township, Mercer County, PA, is submitted pursuant to the provisions of the Act of May 1, 1933, P.L. (103), Article XI, Section 1101, as amended (53 P.S. §66101).

WITNESS our signatures and addresses on the dates set forth below:

NAME	ADDRESS	DATE
SALEM TUBE INC.	951 FOURTH ST., GREENVILLE, PA. 16125	8/11/11
FRED PROSSER		
Fred Prosser		
V.P. + TRUCKS		

AFFIDAVIT

STATE OF PENNSYLVANIA

:

: SS

COUNTY OF MERCER

:

Before me, the Undersigned Officer, in and for said State and County, personally appeared the Undersigned, who, being duly sworn according to law does depose and say that he or she is a citizen of the United States of America and the Signors to the foregoing Petition signed their names with full knowledge of the contents thereof; that their respective residences are correctly stated therein; and that they all own real estate abutting that portion of Brentwood Drive from the existing northernmost point of existing maintenance across lands of Salem Tube, Inc. to the south property line of Norfolk Southern Railroad Company located in Greenville Reynolds Development, Pymatuning Township, Mercer County, Pennsylvania; and that each signed on the date set opposite his or her name and address.

Fred Prossen

(Signature of Circulator)

Fred Prossen, Vice-President of Finance

(Printed Name of Circulator)

Salem Tube, Inc.

951 Fourth Street

Greenville, PA 16125

(Address of Circulator)

Sworn to and subscribed before me,
This 11th day of August, 2011.

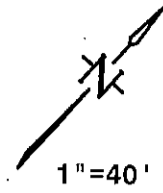
Sandra A. Winslow

Notary Public

My Commission Expires: 2/5/13

COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Sandra A. Winslow, Notary Public
City of Hermitage, Mercer County
My Commission Expires Feb. 5, 2013
Member, Pennsylvania Association of Notaries

LANDS OF NORFOLK SOUTHERN



LANDS OF B.T. MOSS

Brentwood Dr.
50' R/W

LANDS OF SALEM TUBE INC

Ex. Building

AREA TO BE VACATED OWNED BY SALEM TUBE, INC
0.23 Ac.

AREA TO BE VACATED OWNED BY BRIAN T. MOSS
0.05 Ac.

POINT OF BEGINNING FOR ROAD VACATION

21' ASPHALT CARTWAY

RIGHT-OF-WAY SURVEY
BRENTWOOD DRIVE VACATION
PYMATUNING TOWNSHIP, MERCER COUNTY, PENNSYLVANIA
JUNE 01, 2011

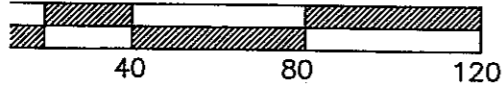
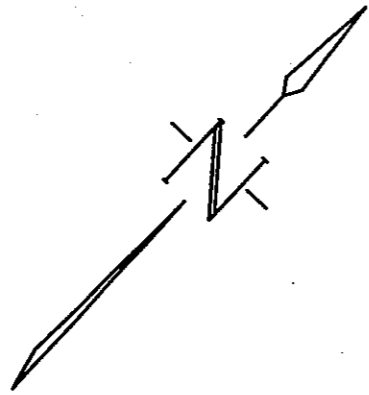
POINT OF REFERENCE FOR ROAD VACATION

EXHIBIT A

Second St.
50' R/W

PREPARED BY:
WINSLOW ENGINEERING, INC
PO BOX 1390
1720 VALLEY VIEW ROAD
HERMITAGE, PA 16148
PHONE: 724-962-7816
FAX: 724-962-7815
FILE 3208
DRAWN BY SCW

EXHIBIT B



SCALE IN FEET
1" = 40'

