

ORDINANCE NO. 96-2

AN ORDINANCE TO VACATE A ROAD WHOLLY WITHIN PENN FOREST TOWNSHIP CARBON COUNTY, PENNSYLVANIA.

WHEREAS, a majority in interest of the owners of property or properties, have petitioned, in the interest of public convenience, to vacate by ordinance, a section of road herein described, now therefore:

BE IT ORDAINED AND ENACTED by the Supervisors of Penn Forest Township, and it is hereby ordained and enacted by authority of the same:

Section 1. That pursuant to the Petition aforesaid, the following described road be and the same is hereby vacated:

ALL THAT CERTAIN portion of Penn Forest Township Road T-481, known as "Drakes Creek Road," situate in the Township of Penn Forest, County of Carbon, Commonwealth of Pennsylvania, being described as follows:

ALL THAT piece of ground situated in Penn Forest Township, Carbon County, Pennsylvania and lying within sixteen and five-tenths feet (16.5') of the following described center line of the existing Township Road #T-481.

BEGINNING at a point located at the intersection of existing centerline of Township Road #T-481 and the projection of the western property line of Lot 8 having a bearing of S 30° 28' -41" W, as shown on the Record Plan of Rhodo Mountain Realty Group, Section 1-A, dated March 1980, prepared by Lazorick and Evertz to Drakes Creek Junction on the Lehigh Valley Railroad on the easterly side of the Lehigh River; thence by a line in the aforementioned road the following thirty-two (32) courses and distances: (1) North eight-two degrees nineteen minutes West (N 82°-19' W) approximately one hundred-twenty feet more or less (120' +/-) to a point, (2) North seventy-eight degrees zero minutes West (N 78°-00' W) two hundred and forty-six and one-tenth feet (246.1') to a point, (3) North eighty-five degrees eleven minutes West (N 85°-11' W) one hundred fifty-nine and six-tenths feet (159.6') to a point, (4) North sixty-seven degrees three minutes West (N 67°-03' W) two hundred seventy-four and two tenths feet (274.2') to a point, (5) North eighty-one degrees twenty-seven minutes West (N 81°-27' W) two hundred twenty-

seven and six-tenths feet (227.6') to a point, (6) South eighty-eight degrees nine minutes West (S 88°-09' W) one hundred twenty-seven and six-tenths feet (127.6') to a point, (7) South seventy-six degrees twenty-four minutes West (S 76°-24' W) one hundred fifty-three and one-tenth feet (153.1') to a point, (8) South sixty-seven degrees twenty-seven minutes West (S 67°-27' W) one hundred eighty-three and nine-tenths feet (183.9) to a point, (9) South eighty degrees thirty-two minutes West (S 80°-32' W) two hundred one and two-tenths feet (201.2') to a point, (10) South eighty-seven degrees twenty-five minutes West (S 87°-25' W) two hundred eighty-eight and seven-tenths feet (288.7') to a point, (11) North seventy-nine degrees nineteen minutes West (N 79°-19' W) two hundred six and six-tenths feet (206.6) to a point, (12) North seventy-four degrees twelve minutes West (N 74°-12' W) two hundred forty-five feet (245.0') to a point, (13) North sixty-five degrees thirty-two minutes West (N 65°-32' W) two hundred fifty-nine feet (259.0') to a point, (14) North sixty-nine degrees forty-two minutes West (N 69°-42' W) two hundred thirty-nine and five-tenths feet (239.5') to a point, (15) North eight-nine degrees forty-nine minutes West (N 89°-49' W) one hundred eighty-three feet (183.0') to a point, (16) North eighty degrees thirty-three minutes West (N 80°-33' W) one hundred ninety-three and four-tenths feet (193.4') to a point, (17) by a line crossing Drakes Creek, North fifty-four degrees fifty-two minutes West (N 54°-52' W) ninety-eight and three tenths feet (98.3') to a point, (18) South eighty-three degrees twenty-six minutes West (S 83°-26' W) one hundred forty-one and one-tenth feet (141.1') to a point, (19) North eighty-seven degrees seventy-nine minutes West (N 87°-79' W) three hundred twenty-one and four-tenths (321.4') to a point, (20) North seventy-nine degrees five minutes West (N 79°-05' W) two hundred forty-two and four-tenths feet (242.4') to a point, (21) North seventy-two degrees twenty-nine minutes West (N 72°-29' W) two hundred ten and two-tenths feet (210.2') to a point, (22) South seventy-four degrees West (S 74°-00' W) one hundred ninety-four and three-tenths feet (194.3') to a point, (23) South eighty-six degrees eight minutes West (S 86°-08' W) one hundred fifty-eight and nine-tenths feet (158.9') to a point, and (24) South sixty-seven degrees twenty-one minutes West (S 67°-21' W) two hundred sixty-one and three-tenths feet (261.3') to a point, (25) South eighty-one degrees thirty-three minutes West (S 81°-33' W) two hundred twelve and one-tenth feet (212.1') to a point, (26) South eighty-nine degrees six minutes West (S 89°-06' W) two hundred ninety-nine and one tenth feet (299.1') to a point, (27) by a line crossing Drakes Creek, South forty degrees forty-three minutes West (S 40°-43' W) seventy-eight and nine-tenths feet (78.9') to a point, (28) South eighty-one degrees twenty minutes West (S 81°-20' W) three hundred seventy feet (370.0') to a point, (29) South seventy-seven degrees forty-nine minutes West (S 77°-49' W) three hundred eighteen and one-tenth feet (318.1') to a point, (30) South seventy-four degrees twenty minutes West (S 74°-20' W) two hundred seventy-nine and eight-tenths feet (279.8') to a point, (31) North

eighty-six degrees forty-four minutes West (N 86°-44' W) one hundred twenty-three and seven-tenths feet (123.7') to a point, and (32) South eighty-degrees forty-six minutes West (S 80°-46' W) one hundred four feet more or less (104' +/-) to the Lehigh Valley Railroad right-of-way.

The Township is aware of another survey of this portion of Drakes Creek Road. This survey is found in Carbon County Map Book Volume 1 at Page 125. The description of the Drakes Creek Road indicated on that survey is slightly different than the description of the Drakes Creek Road contained in this Ordinance. The Township cannot explain this inconsistency. However, this is probably a result of the fact that there is no public record of the laying out of the Drakes Creek Road or a dedication thereof for public use. Rather, the Drakes Creek Road is a public road by virtue of usage, maintenance and repair. 53 P.S. §66105. It is the purpose of this Ordinance to vacate, and the intention of the Township to vacate, the Drakes Creek Road from the westerly boundary of Lot No. 8, Section 1-A, Rhodo Mountain Estates, to the terminus of the Drakes Creek Road, whatever its exact location.

Section 2. That the Township Solicitor is authorized and directed to file a certified copy of this Ordinance in the Office of the Clerk of Court of Quarter Sessions together with a draft or survey of the road showing the location and width thereof.

Section 3. The Township Solicitor shall prepare, and the Chairman of the Board of Supervisors, Harry Connolly, shall sign a quit claim deed or quit claim deeds quit claiming and releasing to the Commonwealth of Pennsylvania, acting by and through its appropriate agencies, any right, title and interest which the Township may have in that portion of road hereby vacated.

Section 4. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

ORDAINED AND ENACTED this day of August, 1996.

PENN FOREST TOWNSHIP SUPERVISORS:

[Signature]
John W. Blum
Judith M. Knappberger
Kenneth R. Bond
Walter Hunsicker

ATTEST:

Olga E. Ballot