

ORDINANCE NO. 735

AN ORDINANCE OF THE BOROUGH OF MONROEVILLE VACATING A PORTION OF OLD WILLIAM PENN HIGHWAY

BE IT ORDAINED AND ENACTED by the Borough of Monroeville, in Council assembled, as follows:

Section 1. The portion of the right of way of Old William Penn Highway lying within the parcel of ground formerly of Thomas F. Burke, and now owned by the Burke Family Foundation, being Lot Nos. 1, 2, and 3 in the Burke Plan of Lots unrecorded, and that portion of Old William Penn Highway extending through other property of the Burke Family Foundation, immediately to the south-east of Lot No. 3 and extending to Elliot Road, shall be and the same hereby vacated, subject however, to the grant of easements by the Burke Family Foundation to the Borough of Monroeville, as hereinafter set forth.

Section 2. In vacating the said portion of Old William Penn Highway, the Borough of Monroeville shall be Deed quitclaim to the Burke Family Foundation the following described property which composes the right of way of Old William Penn Highway contained in the parcels of property described in Section 1 hereof:

Beginning at a point in the northwesterly right of way line of Elliot Road, said point being in the centerline of the former William Penn Highway, said point also being approximately opposite centerline Station 432+85 of the present William Penn Highway, being Legislative Route 187 Section 9; thence northwestwardly along the centerline of the former William Penn Highway 430 lineal feet, more or less, to the northeasterly right of way line of the present William Penn Highway, said point being approximately opposite centerline Station 428+70.

Also the following described portion:

Beginning at a point in the southwesterly right of way line of the William Penn Highway (U.S. Traffic Route 22, Legislative Route 187-Section 9), said point being approximately opposite centerline Station 426+00, said point in the centerline of the former William Penn Highway; thence from said point of beginning and along the centerline of the former William Penn Highway northwestwardly 1460 feet, more or less, to a point in the southwesterly right of way line of the present William Penn Highway, said point being approximately opposite centerline Station 411+25.

Section 3. As a precondition of the vacation of the property described in Section 2 of this Ordinance, the Burke Family Foundation shall cause to be executed and recorded a grant of a fifty (50) foot easement for street, road or highway purposes to the Borough of Monroeville, adjacent to the southerly right of way line of the William Penn Highway (U.S. Traffic Route 22, Legislative Route 187-Section 9), the northerly side of said strip of ground being the southerly right of way of the William Penn Highway, being described as follows:

Beginning at a point in the southerly right of way line of the William Penn Highway, (Legislative Route 187-Section 9), said point being 40 feet per-

pendicular from centerline Station 407+80, said point being opposite the westerly radius return of the northerly intersection of the William Penn Highway and the Old William Penn Highway; thence from said point of beginning the following courses and distances along the southerly right of way line of the William Penn Highway:

by a curve bearing to the right having a radius of 4871.15 feet through an arc distance of 1904.37 feet to a point, being 40 feet perpendicular from centerline Station 427+00;
 S 40° 47' 59" W a distance of 20.00 feet to a point; by a curve bearing to the right having a radius of 4851.15 feet through an arc distance of 187.68 feet to a point, being opposite and 60 feet perpendicular to a centerline Station 428+90;
 S 43° 00' 59" W a distance of 45.00 feet to a point; by a curve bearing to the right having a radius of 4806.15 feet through an arc distance of 474.63 to a point; being 105 feet perpendicular from centerline Station 433+75, said point also being opposite the southeasterly radius return of the William Penn Highway and Elliot Road.

A plot plan indicating the fifty (50) foot easement for street, road or highway purposes shall be attached hereto as Exhibit "A".

The grant of easement shall be perpetual, and shall contain a covenant running with the land that the owner in fee of the property over which the easement runs, whether it be the Burke Family Foundation or its successors or assigns, shall not be permitted to cross the granted easement for purposes of access to William Penn Highway, also known as U.S. Traffic Route 22 Legislative Route 187-Section 9, without the express permission of the Council of the Borough of Monroeville.

Section 4. As a further precondition of the vacation of the above portions of Old William Penn Highway, the Burke Family Foundation shall cause to be executed and recorded a grant of easement of the Borough of Monroeville a perpetual twenty-five (25) foot easement for street, highway and road purposes along the portion of Elliot Road that abuts Lot No. 3 in the Burke Plan of Lots, such easement to be measured from the existing centerline of Elliot Road.

Section 5. As a further precondition of the vacation of the portions of Old William Penn Highway, the Burke Family Foundation shall comply with all subdivision regulations and obtain approval of a Subdivision Plan for Lot No. 3 in the Burke Plan of Lots, showing the subdivision of Lot No. 3 into two or more smaller parcels, one parcel of which shall contain the 400 foot frontage along Route 22 and approximate 250 feet depth along Elliot Road.

Section 6. This Ordinance shall become effective on the 11th day of June, 1971, unless repealed prior thereto or other formal action taken by the Borough of Monroeville to stay such effective date, with proper notice to be given abutting property owners in accordance with the Borough Code.

Section 7. Any Ordinance or part of an Ordinance in conflict with any of the provisions of this Ordinance is hereby repealed to the extent of such conflict.

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ORDAINED in Council this 11th day of May, 1971.

ATTEST:

BOROUGH OF MONROEVILLE

S/ Carrol F. Pickens
Secretary

By S/ George C. Dale
President of Council

APPROVED this 20th day of May, 1971.

S/ John J. Duncan
Mayor

Entered in Legal Book June 11, 1971