

ORDINANCE NO. 512
LOWER GWYNEDD TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA

AN ORDINANCE OF LOWER GWYNEDD TOWNSHIP VACATING
A PORTION OF BROOKSIDE AVENUE SITUATE IN LOWER GWYNEDD
TOWNSHIP, MONTGOMERY COUNTY, PENNSYLVANIA

WHEREAS, Section 2304 of the Second Class Township Code, 53 P.S. §67304, *et seq.*, authorizes the Board of Supervisors of Lower Gwynedd Township (“Board of Supervisors” or “Township”) to adopt ordinances to vacate roads and parts thereof, which are located wholly or partially within the Township;

WHEREAS, on June 27, 2017, 300 Brookside Commercial LLC (“300 Brookside”), the equitable owner of a certain parcel of land adjacent to Brookside Avenue identified as Montgomery County Tax Parcel Number 39-00-03934-00-5 (the “Property”) located in Lower Gwynedd Township, known as 300 Brookside Avenue, petitioned the Township to vacate a portion of Brookside Avenue as shown on a plan entitled “Exhibit Prepared for the Vacation of Brookside Ave”, prepared by R.L. Showalter and Associates, Inc., dated April 13, 2017, attached hereto and made a part hereof as **Exhibit “A”** (the “Plan”), and further described in the legal description prepared by R.L. Showalter Associates, Inc., dated April 13, 2017 attached hereto and incorporated herein as **Exhibit “B”** (the “Vacated Area”);

WHEREAS, the Board of Supervisors deems it to be necessary for the public convenience and for the general benefit of and welfare of the public to vacate the portion of Brookside Avenue described in **Exhibit “B”** in Lower Gwynedd Township;

WHEREAS, the Board of Supervisors, has met the procedural requirements of the Second Class Township Code with the adoption of the proposed Ordinance, including a public hearing.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Board of Supervisors of Lower Gwynedd Township, Montgomery County, Pennsylvania, and it is hereby enacted and ordained by authority of same as follows:

Section 1. Vacation of Sections of Brookside Avenue. From the effective date of this Ordinance, those portions of Brookside Avenue as described in Exhibits “A” and “B” attached hereto, are hereby vacated and abandoned for public use without the formality of a view according to the Second Class Township Code and the General Road Laws of the Commonwealth of Pennsylvania. The Township hereby agrees to such vacation without the formality of a petition for review before the Board of Viewer and without the assessment of any damages. The Township hereby releases, remises and relinquished to 300 Brookside, its heirs, successors and assigns, from any and all property right and title to which the Township has with

respect to the Vacated Area. A copy of this Ordinance, together with a draft or survey of the road showing the location and width thereof, shall be filed by the Township in the Office of the Clerk of Court of Common Pleas of Montgomery County.

Section 2. Notice of Passage. An attested copy of this Ordinance shall be filed within thirty (30) days after enactment in the Montgomery County Law Library.

Section 3. Repealer. All ordinances or parts of ordinances inconsistent herewith or in conflict with any of the specific terms enacted hereby, to the extent of said inconsistencies or conflicts, are hereby specifically repealed.

Section 4. Severability. In the event that any section, sentence, clause, phrase or word of this ordinance shall be declared illegal, invalid or unconstitutional by any Court of competent jurisdiction, such declaration shall not prevent, preclude or otherwise foreclose enforcement of any of the remaining portions of this Ordinance.

Section 5. Failure of Enforcement Not a Waiver. The failure of Lower Gwynedd Township to enforce any provision of this Ordinance shall not constitute waiver by the Township of its rights of future enforcement hereunder.

Section 6. Effective Date. This Ordinance shall be effective five (5) days after enactment.

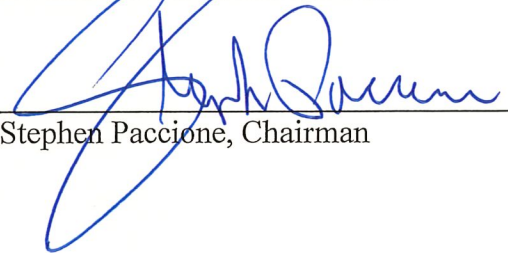
ENACTED and ORDAINED by the Board of Supervisors of Lower Gwynedd Township, This 27th day of June, 2017.

Attest:



Craig McAnally, Township Manager

**LOWER GWYNEDD TOWNSHIP
BOARD OF SUPERVISORS**



Stephen Paccione, Chairman

EXHIBIT "A"

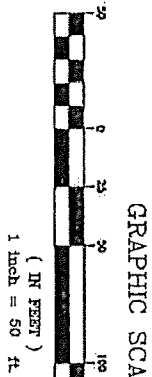
"Exhibit Prepared for the Vacation of Brookside Ave", prepared by R.L. Showalter & Associates, Inc., dated April 13, 2017.

**EXHIBIT PREPARED FOR THE
VACATION OF BROOKSIDE AVE**

**Shawwater
& Associates**
118 Oak Ridge Avenue
Shelton, PA 19382
207-342-2390
- Engineers - Planners - Surveyors

SCALE: 1" = 50'
DATE: 4-19-17
JOB NO: 2014-072
DRAWN BY: PAK
CHECKED BY: RLS

SITUATED IN:
LOWER GYMNEDD TWP, MONTGOMERY COUNTY, PA
PREPARED FOR:
900 COMMERCIAL BROOKSIDE LP
300 BROOKSIDE AVE
AMERLIER, PA 19002



GRAPHIC SCALE

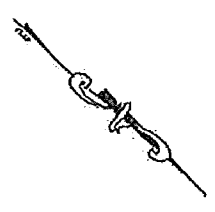
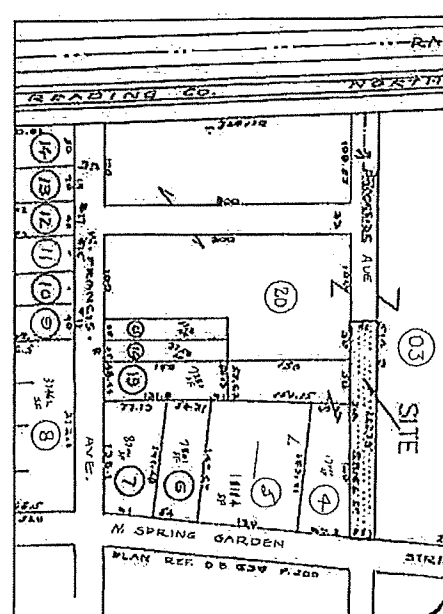
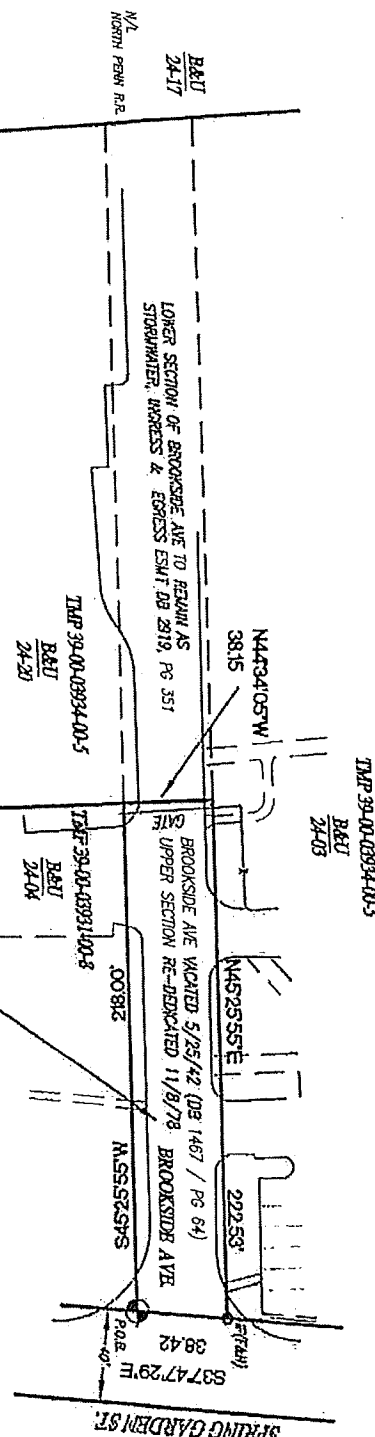


EXHIBIT "B"

Legal description prepared by R.L. Showalter & Associates, Inc.,
dated April 13, 2017.

LEGAL DESCRIPTION

Dedicated Right-of-way of Brookside Ave. to be Vacated
TMP 39-00-03934-005 (B&U 24-03 & 24-20)
Lower Gwynedd Township

ALL THAT CERTAIN tract of land situated in the Township of Lower Gwynedd, County of Montgomery, Commonwealth of Pennsylvania as shown on an Exhibit prepared for the Vacation of Brookside Ave, prepared for 300 Brookside Commercial LP, dated April 13, 2017, by R. L. Showalter & Associates, Inc., Chalfont Pennsylvania, bounded and described as follows to wit:

BEGINNING at the intersection of the common line between the lands N/L of TMP 39-00-03931-00-5 (B&U 24-04) and the lands N/L of TMP 39-00-03934-00-5 (B&U 24-03) with the right-of-way of Spring Garden Street (40' wide); THENCE along said common line South 45 degrees 25 minutes 55 seconds West, a distance of 218.00 feet to a point, a corner of the lands N/L of TMP 39-00-03934-00-5 (B&U 24-20 and B&U 24-03) said point also being a corner of a previously vacated section of Brookside Ave now dedicated as a Stormwater and Ingress/Egress Easement (DB 2919 / PG 351); THENCE along said easement, North 44 degrees 34 minutes 05 seconds West, a distance of 38.15 feet to a point, a corner of the said Brookside Ave right-of-way to be vacated; Thence along said right-of-way and passing through the lands N/L of TMP 39-00-03934-00-5 (B&U 24-03), North 45 degrees 25 minutes 55 seconds East, a distance of 222.53 feet to an iron pin found at the intersection of said right-of-way and the right-of-way of Spring Garden Street; THENCE along said right-of-way of Spring Garden Street, South 37 degrees 47 minutes 29 seconds East, a distance of 38.42 feet to a point, said point being the true PLACE OF BEGINNING.

CONTAINING: 8,404 SF. of area more or less.

JOB NO: 2014-072

DATE: April 13, 2017

