

PENN TOWNSHIP, BERKS COUNTY, PENNSYLVANIA

RESOLUTION NO. 10-2009

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF PENN, BERKS COUNTY, PENNSYLVANIA, TEMPORARILY CLOSING FOR AN INDEFINITE PERIOD OF TIME THE NORTHERN INTERSECTION OF TULPEHOCKEN DRIVE WITH BERNVILLE ROAD, ROUTE 183, AS PARTICULARLY SURVEYED AND DESCRIBED HEREIN.

WHEREAS, pursuant to the Pennsylvania Second Class Township Code, Article XXIII, Section 2308(b) the board of supervisors may temporarily close any township road when it determines that conditions have rendered that road unfit or unsafe for travel and the road closed shall be properly marked; and

WHEREAS, pursuant to the Pennsylvania Second Class Township Code, Article XXIII, Section 2308(c) anyone using the road or portion thereof after the road has been properly closed and marked must obtain a permit from the board of supervisors, with the exception of persons who have no outlet due to the road closing; and

WHEREAS, the Board of Supervisors of Penn Township believes that the intersection of Bernville Road, otherwise known as State Road 183, and the part of Tulpehocken Drive located north of Bernville Road, as depicted on the attached survey/plan, is an unsafe road; and

WHEREAS, the Board of Supervisors of Penn Township desires to close the northern intersection of Tulpehocken Drive with Bernville Road as depicted on the attached survey/plan with a gate for emergency access only and approve a permit to the Mount Pleasant Fire Company for emergency access; and

WHEREAS, pursuant to Pennsylvania Statutes, Title 36, Section 670-422, when any town street which forms a part of a section of a State highway is closed to vehicular traffic, the town shall at once notify the Pennsylvania Department of Transportation of the road closure and detour, and the Board of Supervisors desires to comply with such laws; and

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the Pennsylvania Second Class Township Code, Article XXIII, Sections 2308(b) and 2308(c), the Board of Supervisors of Penn Township hereby declares the following:

1. Tulpehocken Drive shall be temporarily closed for an indefinite period of time and gated as depicted on the attached survey/plan.

2. The Mount Pleasant Fire Company is hereby granted a permit for access to the gate to be located on Tulpehocken Drive at the intersection with Bernville Road, otherwise

known as State Road 183. Such permit shall be in effect so long as the Board of Supervisors deems it is used reasonably by the permittee.

3. The detour for access to Tulpehocken Drive north of the closed intersection with Bernville Road, otherwise known as State Road 183, shall be Mt. Pleasant Road to the northwest and southeast, and the road closure shall be posted to direct traffic onto Mt. Pleasant Road accordingly.

4. The Township Secretary is directed to notify the Pennsylvania Department of Transportation of the temporary closure for an indefinite period of time of the northern intersection of Tulpehocken Drive with Bernville Road, otherwise known as State Road 183, and the detour onto Mt. Pleasant Road, with a copy of this Resolution.

FURTHER RESOLVED, that this Resolution shall take effect immediately, or as soon as legally permissible thereafter.

FURTHER RESOLVED, that if any provision, sentence, clause, section, or part of this Resolution shall for any reason be found to be unconstitutional, illegal or invalid, such determination shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Resolution, and it is hereby declared to be the intent of the Board of Supervisors of Penn Township that this Resolution would have been adopted had such unconstitutional, illegal or invalid provision, sentence, clause, section, or part not been included herein.

FURTHER RESOLVED, that all Resolutions or parts of Resolutions inconsistent with this Resolution are hereby superseded.

IN WITNESS WHEREOF, the Board of Supervisors of Penn Township has adopted this Resolution in lawful session this 28th day of September, 2009.

BOARD OF SUPERVISORS OF
PENN TOWNSHIP,
BERKS COUNTY, PENNSYLVANIA

By: Kyle P. Loder
Chairman

David Himmelberger
Member

Attest: Jessica Hartranft
Secretary

Sarah Mathias
Member

CERTIFICATE

I hereby certify that the foregoing is a true and accurate copy of a Resolution of the Board of Supervisors of PENN TOWNSHIP, Berks County, Pennsylvania, which was fully adopted at a public meeting held pursuant to notice as required by law on the 28th day of September, 2009.

Jessica Hartranft
Secretary of Penn Township

Dated: September 28, 2009