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ORDINANCE NO. 81-2006

AN ORDINANCE OF THE TOWNSHIP OF UPPER BERN, BERKS COUNTY, PENNSYLVANIA, ACCEPTING FOR DEDICATION AND OPENING FOR PUBLIC USE THE PORTION OF NORTH SECOND STREET BETWEEN APPLE DRIVE AND NORTH FOURTH STREET

The Supervisors of Upper Bern Township, Berks County, Pennsylvania, do hereby enact and ordain the following:

Section 1: That the dedication of North Second Street between Apple Drive and North Fourth Street, through the Scenic Ridge Subdivision, is hereby accepted;

Section 2: North Second Street, between Apple Drive and North Fourth Street shall hereafter be opened as a public thoroughfare within Upper Bern Township;

Section 3: The Township Engineer is hereby directed to amend the Township map to include North Second Street between Apple Drive and North Fourth Street, as a part of the Township's public road system, and to take such other action as is necessary to have North Second Street become a part of the Township's public road system.

Section 4: Any provision of any ordinance inconsistent with the provisions of this Ordinance is repealed to the extent of the inconsistency.

DULY ENACTED AND ORDAINED this 1 day of February, 2006, by the Board of Supervisors of the Township of Upper Bern in public session duly assembled.

ATTEST:

BOARD OF SUPERVISORS OF UPPER BERN TOWNSHIP, PENNSYLVANIA

Sari Loo
Secretary

By: *Paul F. Magee*
Chairman

Certified to be a true and correct copy of Ordinance No. 81-2006 adopted 2/1, 2006.

(Municipal Seal)

Sari Loo
Secretary



BERKS COUNTY ROD

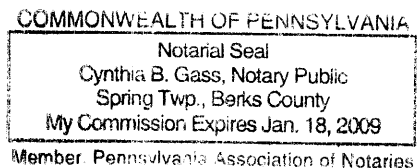
ELLIE ANTOINE ROD

COMMONWEALTH OF PENNSYLVANIA :
 : SS.
COUNTY OF BERKS :

On this 27 day of February, 2006, before me Cynthia B. Gass, the undersigned officer, personally appeared Paul L. Mogel, Sr., who acknowledged himself to be the Chairman of the Board of Supervisors for the Township of Upper Bern, a Municipal corporation, and that he as such Chairman, being authorized to do so, executed the foregoing instrument for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Cynthia B. Gass
Notary Public



2006097003

Ellie Antoine
Recorder of Deeds

County of Berks
County Service Center
Reading, PA 19601
610-478-3380
Customer Receipt

Receipt Number: 159130
Operator ID: JGEHRIS
Station ID: CASHIER7
Submitter Name:
LEISAWITZ HELLER ABRAMOWITCH PHILLIPS PC

MISCELLANEOUS INSTRUMENTS

RECORD BK05040-PG1860 2006097003
Pages: 3
Recorded: 12/22/2006 02:28:23 PM:1

Recording Fee	\$13.00
Recording Page Fee	\$1.00
No of Pages 3	\$0.00
No of Names 1	\$0.00
ROD Improvement Fund	\$5.00
Writ Tax	\$0.50

Total:	\$19.50

Check #50009

JAN 08 2007

Part of ordinance
81-2006

Prepared by:
John J. Speicher, Esquire
Leisawitz Heller
2755 Century Boulevard
Wyomissing, PA 19610
Telephone: 610-372-3500

Return to:
John J. Speicher, Esquire
Leisawitz Heller
2755 Century Boulevard
Wyomissing, PA 19610

Property Address:
North 2nd Street between Apple Drive
and North Fourth Street, Township of
Upper Bern, Shartlesville, PA 19554

This Deed of Dedication made the 17 day of February, 2006,

Between: NATHAN I. EBY,

(hereinafter called the Grantor), and

**TOWNSHIP OF UPPER BERN, a Pennsylvania municipality,
Berks County, Pennsylvania,**

(hereinafter called the Grantee),

Witnesseth: That the said Grantor, for and in consideration of the sum of One Dollar (\$1.00) lawful money of the United States of America, unto him well and truly paid by the said Grantee, at or before the sealing and delivery hereof, the receipt whereof is hereby acknowledged, has granted, bargained and sold, released and confirmed, and by these presents does grant, bargain and sell, release and confirm unto the said Grantee, its successors and assigns,

ALL THAT CERTAIN strip or parcel of land containing the cartway and adjacent grass strips in which are constructed the road pavement, shoulders, drainage facilities, and other utilities and improvements, the complete strip of land being known as the right-of-way for North 2nd Street which curves and also intersects with and includes the right-of-way for North 4th Street, and being a minimum of 50 feet in width, and situate within the out boundaries of the "Scenic Ridge" subdivision as more fully shown and described on a

revision to plan of record, final plan, Scenic Ridge Subdivision, as prepared by William W. Witman, PE, and recorded in Plan Book 265, Page 51, Berks County records, to wit:

BEGINNING at a pipe in concrete monument located about 100 feet north of the northern line of Apple Drive at a point marking the western right-of-way line of North 2nd Street and a southern boundary of the Scenic Ridge subdivision; thence following along the western (and then northern) right-of-way line of North 2nd Street the following three courses: (1) along Lots 10, 9, 8 and a small part of 7, North 12°47'00" East, and passing through a concrete monument 4.00' before the next point, and total distance of 379.99 feet to a point of curvature; (2) continuing along the rest of Lot 7, all of Lot 6 and part of Lot 5, by a curve to the right having a central angle of 60°14'23", a radius of 325.00', and an arc length of 341.70' to a point of tangency; (3) continuing along the rest of Lot 5, all of Lots 4, 3, 2, and part of Lot 1, North 73°01'23" East, 713.70 feet to concrete monument marking a point of curvature; thence following around the intersection radius by a curve to left having a central angle of 60°54'08", a radius of 30.00', and an arc length of 31.89' to a point of tangency; thence continuing along Lot 1 and following the western right-of-way line of North 4th Street, North 12°07'15" East, 154.67 feet to a point on the northern out boundary of the Scenic Ridge Subdivision; thence following the out boundary of Scenic Ridge the following three courses: (1) partially crossing North 4th Street, North 77°27'13" East, 46.75 feet to a point; (2) thence within the right-of-way of North 4th Street and along land of Lowell R. Kauffman & Linda L. Kauffman, h/w, South 12°20'08" West, 451.19 feet to a point; (3) partially crossing North 4th Street, South 80°24'57" West, 45.20 feet to a monument; thence along Lot 20 and following the western right-of-way line of North 4th Street, North 12°20'08" East, 163.28 feet to a monument marking a point of curvature; thence around the intersection radius by a curve to the left having a central angle of 119°18'45", a radius of 30.00', and an arc length of 62.47' to a point of tangency; thence continuing along Lot 20 and all of Lots 19 and 18, and following along the southern right-of-way line of North 2nd Street, South 73°01'23" West, 651.80 feet to a point of curvature; thence along Lot 17 and most of Lot 16 by a curve to the left having a central angle of 60°14'23", a radius of 275.00', and an arc length of 289.13' to a point of tangency; thence continuing along the rest of Lot 16 and all of Lots 15, 14, and 13, and following the eastern right-of-way line of North 2nd Street, South 12°47'00" West, 379.99 feet to a point; thence along a southern out boundary of the Scenic Ridge subdivision and crossing north 2nd Street, North 77°13'00" West, 50.00 feet to the point of beginning.

CONTAINING in area 2.07 acres .

BEING PART OF THE SAME PREMISES which John J. Seitzinger by deed dated April 26, 2001, and recorded in Record Book 3329, page 658, Berks County records, granted and conveyed unto Nathan I. Eby.

The conveyance is for the purpose of the dedication to the public use of the streets known as North 2nd Street between Apple Drive and North 4th Street.

Acceptance of this Deed of Dedication by the Township of Upper Bern, to be evidenced by its recordation in the public records of Berks County, Pennsylvania, shall cause the aforesaid parcel of land to become public Township property, subject to the care, control and maintenance of the Township of Upper Bern.

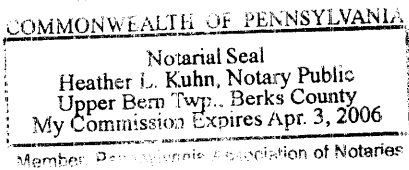
ACTUAL CONSIDERATION: \$0 – This conveyance is made by dedication to a Pennsylvania municipality, without consideration, and is exempt from Pennsylvania realty transfer tax.

IN WITNESS WHEREOF, the party of the first part has hereunto set his hand and seal. Dated the day and year first above written.

Sealed and Delivered :
In The Presence of Us :

Heather L. Kuhn
Notary Public

Nathan I. Eby (SEAL)
NATHAN I. EBY



ACCEPTANCE BY THE TOWNSHIP OF UPPER BERN, BERKS COUNTY,
PENNSYLVANIA:

I, the undersigned, being the duly designated member of the Board of Supervisors of the Township of Upper Bern, Berks County, Pennsylvania, in consideration of the within Deed of Dedication for the streets above specified and having satisfied myself that the same has been constructed in accordance with the specifications for streets in the Township of Upper Bern, do hereby accept said improvements for future maintenance and repair on behalf of the Township.

DATED: Feb. 7, 2006

WITNESS:

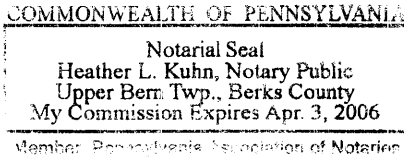
TOWNSHIP OF UPPER BERN

Heather L. Kuhn
Notary Public

By

Paul F. Mogen
Chairman of the Board of Supervisors

ATTEST:



Sharon Hill
Secretary

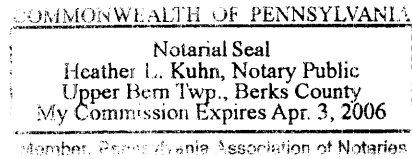
COMMONWEALTH OF PENNSYLVANIA :
 : SS
COUNTY OF BERKS :

On this, the 7th day of Feb, 2006, before me, a Notary Public in and for the Commonwealth of Pennsylvania, the undersigned Officer, personally appeared NATHAN I. EBY, known to me (satisfactory proven) to be the person whose name is subscribed to the within instrument, and acknowledged that he executed the same for the purposes therein contained.

In Witness Whereof, I hereunto set my hand and official seal.

Heather L. Kuhn

Notary Public



I hereby certify that the precise address of the Grantee herein is 25 North Fourth Street, Shartlesville, PA 19554.

John J. Speicher, Esquire

DEED OF DEDICATION

NATHAN I. EBY,
Grantor

and

TOWNSHIP OF UPPER BERN, a Pennsylvania municipality,
Berks County, Pennsylvania,
Grantee

PREMISES:

North 2nd Street between Apple Drive
and North 4th Street, Township of Upper Bern
County of Berks
Commonwealth of Pennsylvania

John J. Speicher, Esquire
Leisawitz Heller
2755 Century Boulevard
Wyomissing, PA 19610
Telephone: 610-372-3500