

**MUNICIPALITY OF NORRISTOWN
A HOME RULE MUNICIPALITY
MONTGOMERY COUNTY, PENNSYLVANIA**

ORDINANCE NO. 17-11 of 2017

AN ORDINANCE OF THE MUNICIPALITY OF NORRISTOWN, MONTGOMERY COUNTY, PENNSYLVANIA, ACCEPTING DEDICATION OF A PORTION OF THE ULTIMATE RIGHT-OF-WAY OF EAST ELM STREET IN THE MUNICIPALITY OF NORRISTOWN AS A PUBLIC ROAD; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, on October 4, 2005, Norristown Municipal Council adopted Resolution No. 05-150 of 2005 which granted final plan approval to Quaker City Properties, LLC for an eleven-lot subdivision (the "Development") at High Street and East Elm Street in the Municipality of Norristown; and

WHEREAS, on January 23, 2006, the final plans for the Development were recorded on in the Office of the Recorder of Deeds of Montgomery County, Pennsylvania, at Plan Book 25, Page 490 (hereinafter the "Recorded Plans"); and

WHEREAS, the Recorded Plans contain a note offering dedication of a portion of the ultimate right-of-way of East Elm Street to the Municipality of Norristown; and

WHEREAS, the Council of the Municipality of Norristown deems it to be in the public interest to accept dedication of the offered portion of the ultimate right-of-way of East Elm Street so that the right-of-way will be owned and maintained by the Municipality of Norristown as and for use by the public;

NOW, THEREFORE, be it, and it is hereby **ORDAINED** by Norristown Municipal Council, and it is hereby **ENACTED** and **ORDAINED** by authority of same as follows:

SECTION 1: The below-described portion of the ultimate right-of-way of East Elm Street is hereby accepted into dedication as a public road by the Municipality of Norristown for the use of the traveling public, and the said portion of the ultimate right-of-way East Elm Street shall become part of the public street system of the Municipality of Norristown:

ALL THAT CERTAIN tract of ground situate in the Municipality of Norristown, County of Montgomery, Commonwealth of Pennsylvania, as shown on Exhibit A – High Street Townhomes Areas of Dedication & Vacation, dated March 31, 2017, being described as follows:

Beginning at a point (POB1) at the intersection of the southeasterly right-of-way of High Street and the southwesterly right-of-way of East Elm Street, said point being the northern

property corner of lands N/L Richard S. & Tanya M. McCray (Lot 1), said point being the TRUE POINT OF BEGINNING; thence following the six (6) courses and distances to wit:

1. North 41 degrees 12 minutes 00 seconds East, 50.00 feet along the southeasterly right-of-way of High Street to a point at the southwesterly property corner of lands N/L Kevin Stanton (Lot 6), thence;
2. South 48 degrees 48 minutes 00 seconds East, 125.95 feet along the northeasterly right-of-way of East Elm Street to a point of tangency on the southern property line of lands N/L Raymond Bell (Lot 11), thence;
3. On an arc concave to the left having a radius of 25.00 feet, an arc distance of 44.24 feet to a point on the southern property line of lands N/L Raymond Bell (Lot 11), thence;
4. Along the same property line, North 29 degrees 48 minutes 17 seconds East, 1.94 feet to a point, thence;
5. South 60 degrees 11 minutes 43 seconds East, 25.00 feet to a point on the northwestern property line of lands N/L Norristown Catholic War Veterans, thence;
6. Along the same property line, South 29 degrees 48 minutes 17 seconds West, 120.00 feet to a point (monument to be set) on the northwestern property line of lands N/L Norristown Catholic War Veterans, thence;
7. North 60 degrees 11 minutes 43 seconds west, 25.00 feet to a point through Faircourt Avenue (unopened) to a point on the southeasterly property line of lands N/L Robert Harold & Diana Madden (Lot 5), thence;
8. Along the same property line, North 29 degrees 48 minutes 17 seconds east to a point at the tangent of a curve radius on the eastern property line of lands N/L Robert Harold & Diana Madden (Lot 5), thence;
9. On an arc concave to the left having a radius of 25.00 feet and an arc length of 34.30 feet along lands N/L Robert Harold & Diana Madden to a point of tangency, said point being on the southwesterly right-of-way of East Elm Street, thence;
10. North 48 degrees 48 minutes 00 seconds West, 146.11 feet along the southwesterly right-of-way of East Elm Street to the TRUE POINT OF BEGINNING.

Containing 8,369.67 square feet, more or less.

SECTION 2: The Council of the Municipality of Norristown hereby accepts dedication of the aforementioned portion of the ultimate right-of-way of East Elm Street by accepting a Deed of Dedication executed and delivered by Quaker City Properties, LLC. A true and correct copy of the Deed of Dedication is attached hereto as Exhibit "A" and is incorporated herein by reference.

SECTION 3: The Council of the Municipality of Norristown shall cause the Deed of Dedication to be recorded in the Office of the Recorder of Deeds of Montgomery County, Pennsylvania.

SECTION 4: All ordinances or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed to the extent of the inconsistency.

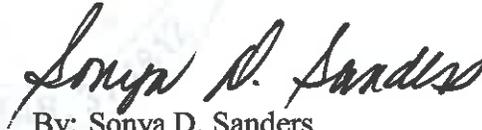
SECTION 5: The provisions of this Ordinance are declared to be severable. If any provision of this Ordinance is declared by a court of competent jurisdiction to be invalid or unconstitutional, such determination shall have no effect on the remaining provisions of this Ordinance.

SECTION 6: This ordinance shall be effective upon its legal enactment.

ENACTED and ORDAINED this 21st Day of November 2017

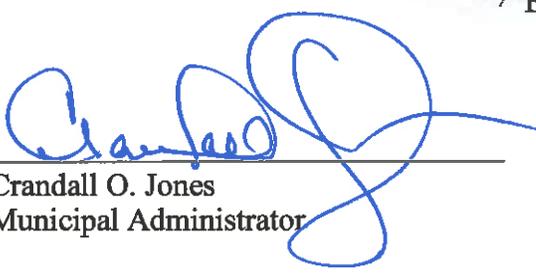
Seal:

**Municipality of Norristown
Municipal Council**



By: Sonya D. Sanders
Council President

Attest



Crandall O. Jones
Municipal Administrator

EXHIBIT A

DEED OF DEDICATION

Prepared by and Return to:
Anthony L. Ciuca, Esquire
Law Offices of Sean Kilkenny, LLC
17 E. Airy Street
Norristown, PA
484-679-8150
tony@skilkennylaw.com

Tax Parcel I.D. No.: #13-00-16748-00-6

DEED OF DEDICATION

THIS INDENTURE is made the 10TH day of NOVEMBER, 2017, by and between ELM RIDGE 2007, LLC, a limited liability company organized and existing pursuant to the laws of the Commonwealth of Pennsylvania and having its principal offices at 670 Knowles Avenue, Southampton, PA 18966, (hereinafter called the "Grantor"), and the Municipality of Norristown, a municipal corporation organized and existing pursuant to the laws of the Commonwealth of Pennsylvania and having its municipal offices located at 235 E. Airy Street, Norristown, PA 19401, (hereinafter called the "Grantee").

WITNESSETH

That the said Grantor, for and in consideration of the advantage to it accruing as well as for diverse and other considerations affecting the public welfare which it seeks to advance, has granted, bargained, sold, aliened, enfeoffed, released, dedicated and confirmed, and by these presents does grant, bargain, sell, alien, cnfcoff, release, dedicate, and confirm unto the said Grantee, its successors and assigns, all that certain lot or piece of land situate in the Municipality of Norristown, County of Montgomery, Commonwealth of Pennsylvania, and being more fully described on the legal description attached hereto as Exhibit "A" and incorporated herein by reference, and as depicted on the plan attached hereto as Exhibit "B" and incorporated herein by reference.

TO HAVE AND TO HOLD the said lot or piece of ground above described unto the same Grantee, its successors and assigns, to and for the only proper use and behoof of the said Grantee, its successors and assigns forever, as and for a public street and highway and any and all other public purposes, including utility lines and the conveyance of stormwater, to the same extent and with the same effect as if the said street had been opened by a decree of the Court of Common Pleas of the County of Montgomery, Commonwealth of Pennsylvania, after proceedings duly had for that purpose under and in pursuance of the laws of the Commonwealth of Pennsylvania relating to public streets.

And the said Grantor, its successors and assigns, by these presents, covenants, promises and agrees to and with the said Grantee, its successors and assigns, that neither the Grantor, nor its successors and assigns, shall or will at any time hereafter, ask, demand, recover or receive of or from the Grantee, its successors and assigns, any sum or sums of money as and for damages for or by reason of the physical grading and paving of said streets.

And the said Grantor, for itself, its successors and assigns, does by these presents further covenant, promise and agree to and with the Grantee, its successors and assigns, that they, the said Grantor, and its successors and assigns, the said lot of ground above-described unto the said Grantee, its successors and assigns, against them, the said Grantor, its successors and assigns, and against all and every person and persons whomsoever lawfully claiming or to claim the same or any part thereof, by, from or under it or them or any of them shall and will warrant and forever defend.

IN WITNESS WHEREOF, and intending to be legally bound hereby, the said Grantor has caused this indenture to be duly executed the day and year first above written.

ATTEST:

ELM RIDGE 2007, LLC

Klones

By:

Richard Betz

Richard Betz

Title: Member

I hereby certify that the precise address of the Grantee is 235 E. Airy Street, Norristown, PA 19401.

Crandall O. Jones

Crandall O. Jones
Municipal Administrator

COMMONWEALTH OF PENNSYLVANIA

SS

COUNTY OF MONTGOMERY

On the _____ day of _____, 2017, before me, the undersigned officer, personally appeared Crandall O. Jones, who acknowledged himself to be the Municipal Administrator of the Municipality of Norristown, Grantee in the foregoing Deed of Dedication, and that he as such Municipal Administrator, being authorized to do so, executed the foregoing Deed of Dedication for the purposes therein contained by signing his name, as Municipal Administrator, and desired the same might be recorded.

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

NOTARY PUBLIC

EXHIBIT A to EXHIBIT A

LEGAL DESCRIPTION

April 3, 2017

LEGAL DESCRIPTION
Elm Street Dedication
Municipality of Norristown, County of Montgomery
Commonwealth of Pennsylvania

ALL THAT CERTAIN tract of ground situate in the Municipality of Norristown, County of Montgomery, Commonwealth of Pennsylvania, as shown on Exhibit A – High Street Townhomes Areas of Dedication & Vacation, dated March 31, 2017, being described as follows:

Beginning at a point (POB1) at the intersection of the southeasterly right-of-way of High Street and the southwesterly right-of-way of East Elm Street, said point being the northern property corner of lands N/L Richard S. & Tanya M. McCray (Lot 1), said point being the **TRUE POINT OF BEGINNING**; thence following the six (6) courses and distances to wit:

1. North 41 degrees 12 minutes 00 seconds East, 50.00 feet along the southeasterly right-of-way of High Street to a point at the southwesterly property corner of lands N/L Kevin Stanton (Lot 6), thence;
2. South 48 degrees 48 minutes 00 seconds East, 125.95 feet along the northeasterly right-of-way of East Elm Street to a point of tangency on the southern property line of lands N/L Raymond Bell (Lot 11), thence;
3. On an arc concave to the left having a radius of 25.00 feet, an arc distance of 44.24 feet to a point on the southern property line of lands N/L Raymond Bell (Lot 11), thence;
4. Along the same property line, North 29 degrees 48 minutes 17 seconds East, 1.94 feet to a point, thence;
5. South 60 degrees 11 minutes 43 seconds East, 25.00 feet to a point on the northwestern property line of lands N/L Norristown Catholic War Veterans, thence;
6. Along the same property line, South 29 degrees 48 minutes 17 seconds West, 120.00 feet to a point (monument to be set) on the northwestern property line of lands N/L Norristown Catholic War Veterans, thence;
7. North 60 degrees 11 minutes 43 seconds west, 25.00 feet to a point through Faircourt Avenue (unopened) to a point on the southeasterly property line of lands N/L Robert Harold & Diana Madden (Lot 5), thence;
8. Along the same property line, North 29 degrees 48 minutes 17 seconds east to a point at the tangent of a curve radius on the eastern property line of lands N/L Robert Harold & Diana Madden (Lot 5), thence;
9. On an arc concave to the left having a radius of 25.00 feet and an arc length of 34.30 feet along lands N/L Robert Harold & Diana Madden to a point of tangency, said point being on the southwesterly right-of-way of East Elm Street, thence;
10. North 48 degrees 48 minutes 00 seconds West, 146.11 feet along the southwesterly right-of-way of East Elm Street to the **TRUE POINT OF BEGINNING**.

Containing 8,369.67 square feet, more or less.

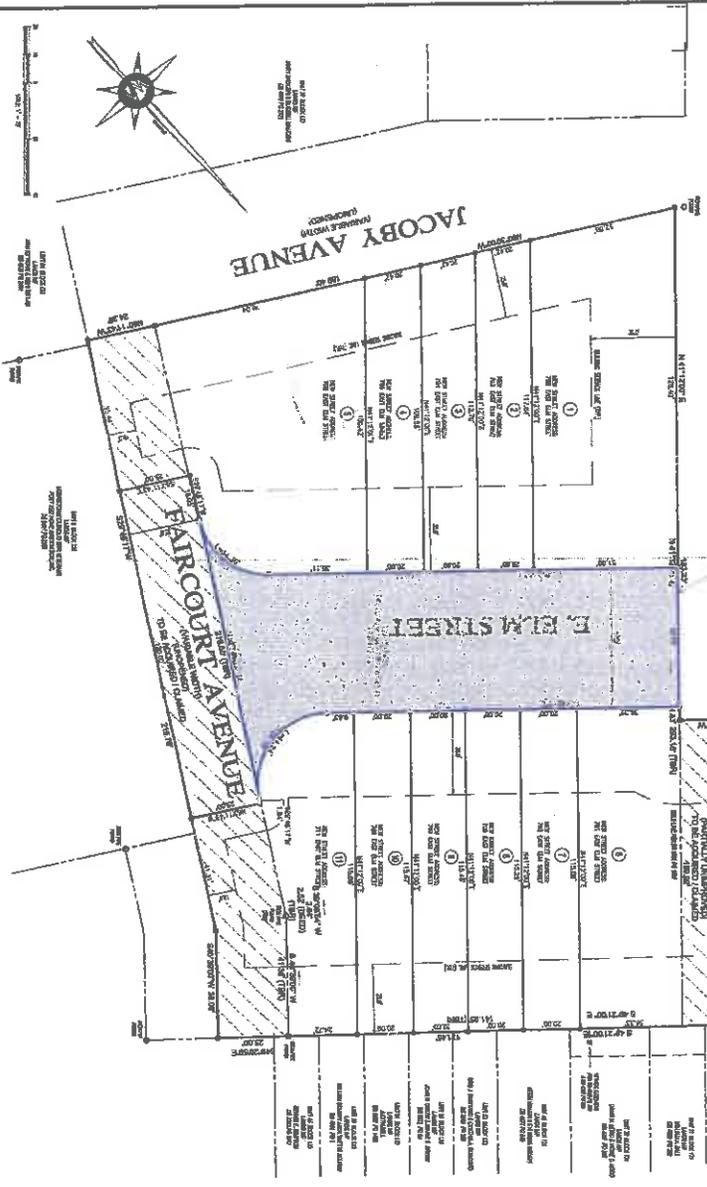
EXHIBIT B

PLAN
DEDICATION OF ELM STREET

HIGH STREET
 (PARTIALLY UNIMPROVED)

E. ELM STREET

ELM STREET
 DEDICATION
 AREA



EXISTING FEATURES LEGEND

- EXISTING LOT BOUNDARIES
- EXISTING DRIVEWAYS
- EXISTING SIDEWALKS
- EXISTING CURBS
- EXISTING UTILITIES
- EXISTING TREES
- EXISTING SETBACKS
- EXISTING EASEMENTS
- EXISTING ENCROACHMENTS
- EXISTING ADJACENT PROPERTIES
- EXISTING STREETS
- EXISTING ALLEYS
- EXISTING PARKING AREAS
- EXISTING DRIVEWAYS
- EXISTING SIDEWALKS
- EXISTING CURBS
- EXISTING UTILITIES
- EXISTING TREES
- EXISTING SETBACKS
- EXISTING EASEMENTS
- EXISTING ENCROACHMENTS
- EXISTING ADJACENT PROPERTIES
- EXISTING STREETS
- EXISTING ALLEYS
- EXISTING PARKING AREAS

PROPOSED FEATURES LEGEND

- PROPOSED LOT BOUNDARIES
- PROPOSED DRIVEWAYS
- PROPOSED SIDEWALKS
- PROPOSED CURBS
- PROPOSED UTILITIES
- PROPOSED TREES
- PROPOSED SETBACKS
- PROPOSED EASEMENTS
- PROPOSED ENCROACHMENTS
- PROPOSED ADJACENT PROPERTIES
- PROPOSED STREETS
- PROPOSED ALLEYS
- PROPOSED PARKING AREAS

Scale: 1" = 20' (Horizontal)
 1" = 10' (Vertical)

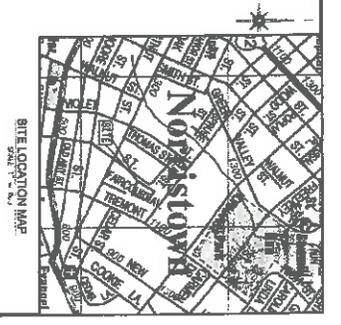


EXHIBIT B - DEDICATION OF ELM STREET