

ORDINANCE OF THE BOROUGH OF CHRISTIANA
LANCASTER COUNTY, PENNSYLVANIA

Ordinance No. _____

AN ORDINANCE OF THE BOROUGH OF CHRISTIANA, LANCASTER COUNTY, PENNSYLVANIA, VACATING AND ABANDONING THE RIGHT-OF-WAY OF A SECTION OF CHURCH STREET RUNNING FROM ITS INTERSECTION WITH CREAMERY LANE TO THE AMTRAK RAILROAD BED.

WHEREAS, a certain section of Church Street, described in Exhibit "A" and depicted in Exhibit "B", which are attached hereto and made a part hereof, was laid out in the Borough's plan of streets but never opened and is therefore not used by the public; and

WHEREAS, Christiana Properties, LLC is the record owner of the abutting tracts of land on the north and south sides of the section of Church Street described in Exhibits "A" and "B"; and

WHEREAS, Amtrak is the record owner of an abutting tract of land located east of the section of Church street described in Exhibits "A" and "B"; and

WHEREAS, the Borough Code, at Title 8 Pa. C. S. §1731, authorizes the Borough to abandon, vacate, or close streets within its boundaries; and

WHEREAS, the Borough Council has determined it to be in the best interest of the Borough and the neighboring landowners to abandon and vacate said portion of Church Street; and

WHEREAS, Christiana Properties, LLC has approved of and consents to the Borough's abandonment and vacation of said portion of Church Street, a copy of the consent is attached and marked as Exhibit "C";

NOW, THEREFORE, Be It Ordained and Enacted by the Borough Council of the Borough of Christiana, Lancaster County, Pennsylvania, as follows:

1. That the Borough of Christiana, Lancaster County, Pennsylvania, does hereby vacate and abandon all that certain tract of land comprising the right-of-way of Church Street located

between the intersection with Creamery Lane to its abutment with rail bed of Amtrak (identified in the records of Lancaster County, Pennsylvania, as Parcel ID # 060-19622-0-0000), and as shown on Exhibits "A" and "B" attached hereto. Said portion of Church Street shall be removed from the Borough's plan of streets.

2. Upon the vacation and abandonment of the aforesaid right-of-way of Church Street, title to the right-of-way so vacated and abandoned shall revert to the owners of the abutting properties to the north and south of that portion of Church street being vacated.

3. The proper officers, employees and Solicitor of the Borough are hereby authorized and empowered to execute any and all documents and to do or cause to be done any and all acts and things which may be necessary or appropriate to effect the provisions and purposes of this Ordinance.

4. In the event any provision, section, clause or part of this Ordinance shall be held to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such invalidity, illegality or unconstitutionality shall not affect or impair the remaining provisions, sections, sentences, clauses or parts of this Ordinance, it being the intent of Borough Council that the remainder of this Ordinance shall be and shall remain in full force and effect.

5. This Ordinance will be effective immediately upon the signature of the Mayor.

DULY ENACTED and ORDAINED this _____ day of _____, 2017, by the Council of the Borough of Christiana, Lancaster County, Pennsylvania, in lawful session duly assembled.

Borough of Christiana

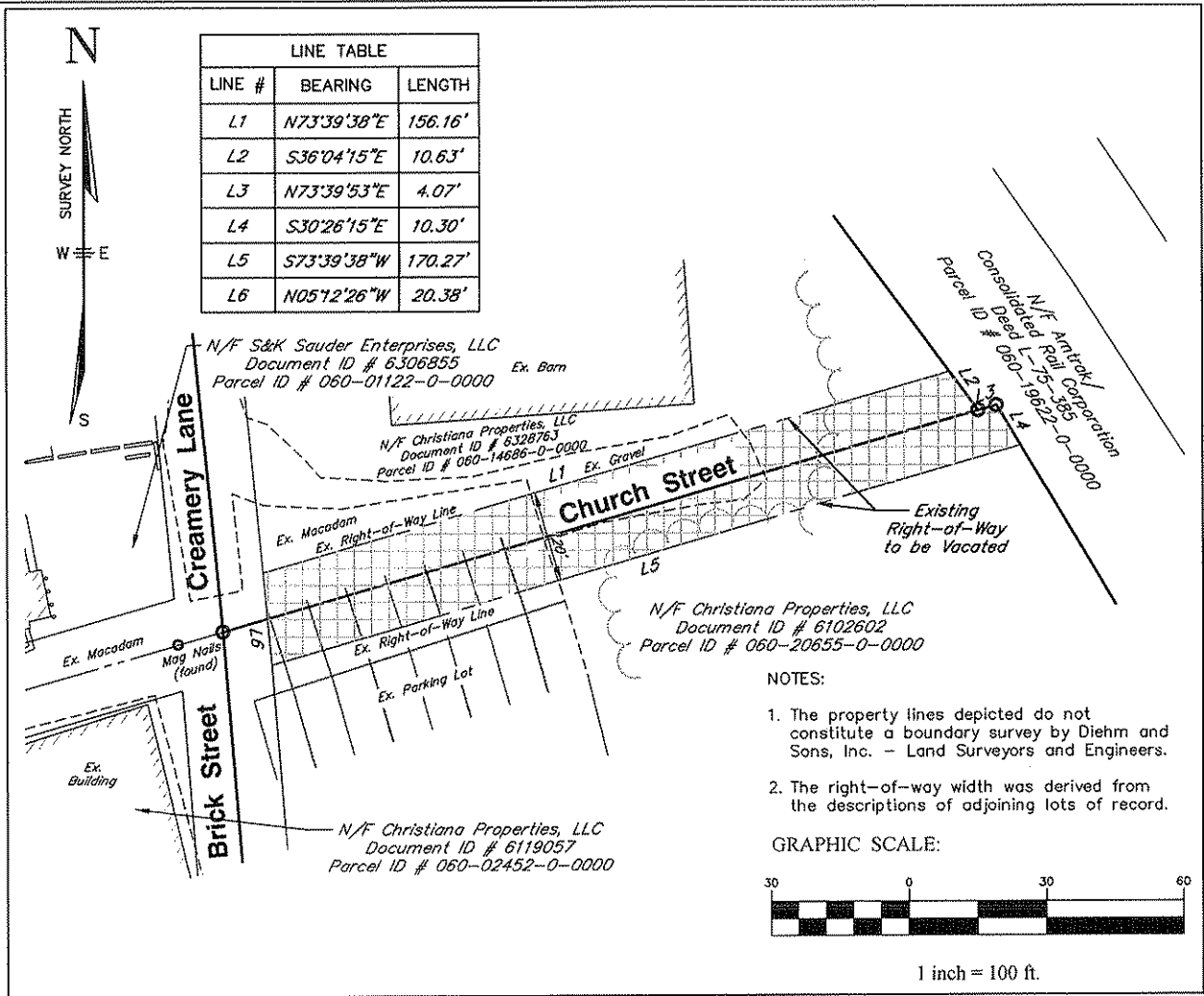
Lancaster County, Pennsylvania

Attest: _____
Secretary

By: _____
Borough Council President

Examined and approved this _____ day of _____, 2017.

Mayor



LINE TABLE		
LINE #	BEARING	LENGTH
L1	N73°39'38"E	156.16'
L2	S36°04'15"E	10.63'
L3	N73°39'53"E	4.07'
L4	S30°26'15"E	10.30'
L5	S73°39'38"W	170.27'
L6	N05°12'26"W	20.38'

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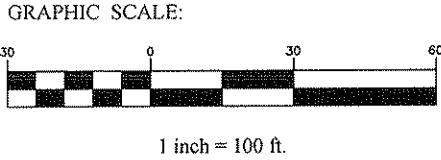
DIEHM & SONS

Surveying & Mapping • Civil Engineering • Land Planning
 15701 Gate Road, Lutz, PA 17543 • P: 717.624.0175 • F: 717.626.5071
 www.diehmsons.com

Project Title:

CHURCH STREET ROADWAY VACATION

- NOTES:
1. The property lines depicted do not constitute a boundary survey by Diehm and Sons, Inc. - Land Surveyors and Engineers.
 2. The right-of-way width was derived from the descriptions of adjoining lots of record.



Project Mgr.:	Checked By:
EWK	EWK
Survey By:	Drawn By:
DvH	DvH
Project No.:	Date:
17097	6/23/17
File:	17097bs1.dwg
Layout:	Survey 1
Scale:	Sheet No.:
1"=30'	1 of 1

Exhibit "A"



Surveying & Mapping • Civil Engineering • Land Planning

**SUBJECT: Legal Description – Vacation of Church Street Right-of-Way
Christiana Borough, Lancaster County, Pennsylvania**

ALL THAT CERTAIN strip of land used as right-of-way for Church Street, to be vacated, as shown on an exhibit for the Church Street Roadway Vacation. Said strip of land situated on the west side of Brick Street, located in the Borough of Christiana, County of Lancaster, Commonwealth of Pennsylvania, bounded and described as follows:

BEGINNING at a point at the intersection of the northern right-of-way line of Church Street, the eastern right-of-way line of Creamery Lane and the eastern right-of-way of Brick Street, said point being the northwest corner of the herein described right-of-way vacation, thence through lands n/f of Christiana Properties, LLC on the existing northern right-of-way line of Church Street North seventy-three degrees thirty-nine minutes thirty-eight seconds East (N73°39'38"E) one hundred fifty-six and sixteen hundredths (156.16) feet to a point, thence by lands n/f of Consolidated Rail Corporation the three (3) following courses: 1) South thirty-six degrees four minutes fifteen seconds East (S36°04'15"E) ten and sixty-three hundredths (10.63) feet to a point, 2) North seventy-three degrees thirty-nine minutes fifty-three seconds East (N73°39'53"E) four and seven hundredths (4.07) feet to a point, 3) South thirty degrees twenty-six minutes fifteen seconds East (S30°26'15"E) ten and thirty hundredths (10.30) feet to a point, thence through lands n/f of Christiana Properties, LLC on the existing southern right-of-way line of Church Street South seventy-three degrees thirty-nine minutes thirty-eight seconds West (S73°39'38"W) one hundred seventy and twenty-seven hundredths (170.27) feet to a point on the western right-of-way line of Brick Street, thence continuing through lands n/f of Christiana Properties, LLC on the existing eastern right-of-way line of Brick Street North five degrees twelve minutes twenty-six seconds West (N05°12'26"W) twenty and thirty-eight hundredths (20.38) feet to the **POINT OF BEGINNING**.

CONTAINING 3,270 ft²

BEING part of the Christiana Properties, LLC deeds as recorded in Document ID Nos. 6328763 and 6102602.

BEING part of Tax Account Nos. 060-14686-0-0000 and 060-20655-0-0000.

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**RESOLUTION ADOPTED BY UNANIMOUS WRITTEN CONSENT
OF THE MEMBERS OF
CHRISTIANA PROPERTIES, LLC**

Pursuant to the provisions of the PA Limited Liability Company Law, the undersigned, as the sole member of CHRISTIANA PROPERTIES, LLC, a limited liability company organized under the laws of the Commonwealth of Pennsylvania (the "Company"), being the only member as presently constituted, does by this writing consent to take the following actions and adopt the following resolutions:

WHEREAS, Jewell Shivery ("Jewell"), adult individual, is the sole member of the Company;

WHEREAS, Jewell currently owns One Hundred Percent (100%) interest in the Company;

WHEREAS, an ordinance of the Borough of Christiana, Lancaster County, Pennsylvania, vacates and abandons the right-of-way of a section of Church street running from its intersection with Creamery lane to the Amtrak railroad bed;

WHEREAS, Christiana Properties, LLC ("Company") is the record owner of the abutting tracts of land on the north and south sides of the section of Church street;

WHEREAS, the Borough Council has determined it to be in the best interest of the Borough and the neighboring landowners to abandon and vacate said portion of Church Street; and

WHEREAS, the member of the Company finds that taking ownership of the abandoned tract, and the proposed transactions contemplated herein are in the best interests of the Company.

NOW, THEREFORE, IT IS HEREBY:

RESOLVED, that upon the Borough of Christiana's, Lancaster County, Pennsylvania, vacation and abandonment of the right-of-way of a section of church street running from its intersection with creamery lane to the Amtrak railroad bed, the Company shall take ownership of such abandoned tract;


RESOLVED FURTHER, that Jewell, as a Member of the Company, is authorized and directed on behalf of this Company to take such actions and to execute, acknowledge, deliver, accept, and file such documents and instruments, and to make and accept all payments as may be necessary or convenient to carry out and perform these resolutions;

This consent is executed pursuant to the Limited Liability Company Law of the Commonwealth of Pennsylvania.

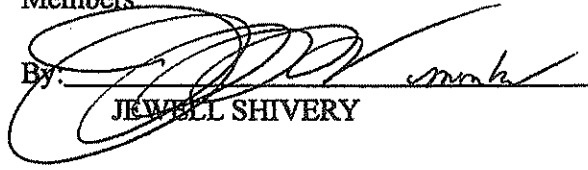
This unanimous written consent may be executed in one or more counterparts, all of which together shall be one and the same instrument.

Dated as of September 14, 2017.

CHRISTIANA PROPERTIES, LLC:

By:  Attest: _____
JEWELL SHIVERY

Members:

By:  Attest: _____
JEWELL SHIVERY