

ORDINANCE NO. 08-2021

MIFFLIN TOWNSHIP, DAUPHIN COUNTY, PENNSYLVANIA,

**AN ORDINANCE FORMALLY VACATING MAPLE DRIVE/TOWNSHIP ROAD
NUMBER T-628**

WHEREAS, the Mifflin Township Board of Supervisors (the “Board of Supervisors”) intend to formally vacate Maple Drive, Township Road T-628, as more fully described herein;

WHEREAS, the Board of Supervisors find that vacating Maple Drive will not interfere with vehicular or pedestrian use of adjoining property owners;

WHEREAS, the Board of Supervisors have sent public notice to the property owners adjacent to Maple Drive of the Township’s intent to adopt this ordinance not less than ten (10) days prior to adoption of this ordinance, which has also been advertised in a newspaper of general circulation within the Township not less than seven (7) days and no more than sixty (60) days prior to the public hearing;

WHEREAS, the vacating of Maple Drive is subject to the terms, conditions set forth in this ordinance; and

NOW, THEREFORE, be it enacted and ordained as follows:

Section 1. Maple Drive to be Vacated. The Board of Supervisors do hereby formally vacate Maple Drive, as more fully described as follows:

ALL THAT CERTAIN 50-foot-wide right-of-way know as Maple Drive, also identified as Township Road T-628 on the Mifflin Township, Dauphine County, Pennsylvania Liquid Fuels Map, Revision date of June 6, 1986, described according to the sketch attached hereto as Exhibit “A” dated June 30, 2021, bounded and described as follows:

BEGINNING at a point on the southerly right-of-way line of Berrysburg Road (S.R. 0025) (30 feet parallel width and southerly from the title line in the bed of Berrysburg Road) being a corner of lands now or formerly Ivan W. & Alma E. Martin (Parcel # 44-013-002) and the lands now or formerly Advanced Scientifics Inc. (Parcel # 44-009-028) and running;

THENCE, from said point of BEGINNING and extending along the said right-of-way line of Berrysburg Road (S.R. 0025), North 85 degrees 27 minutes 27 seconds East for a distance of 50.04 feet to a point;

THENCE, leaving the said right-of-way line and extending over and through the said lands now or formerly Advanced Scientifics Inc., Parcel 44-009-028 the following five (5) courses, South 06 degrees 55 minutes 43 seconds East for a distance of 341.62 feet to a point, an angle;

THENCE, South 05 degrees 58 minutes 22 seconds East for a distance of 213.57 feet to a point of curvature;

THENCE, along the arc of a circle curving to the left having a radius of 123.00 feet, an arc length of 57.61 feet, having a chord bearing South 19 degrees 23 minutes 23 seconds East and a chord distance of 57.08 feet to a point of compound curve;

THENCE, along the arc of a circle curving to the left having a radius of 46.00 feet, an arc length of 24.38 feet, having a chord bearing South 47 degrees 59 minutes 19 seconds East and a chord distance of 24.09 feet to a point;

THENCE, South 03 degrees 18 minutes 02 seconds West for a distance of 34.94 feet to a corner of lands now or formerly Advanced Scientifics Inc., Parcel # 44-009-038 and a corner of the aforementioned lands now or formerly Ivan W. & Alma E. Martin, Parcel # 44-013-002;

THENCE, extending along the lands of "Martin", South 83 degrees 02 minutes 28 seconds West for a distance of 30.99 feet to a point on a curve;

THENCE, leaving the said line and again extending over and through the lands now or formerly Advanced Scientifics Inc., Parcel # 44-009-008 the following four (4) courses; along the arc of a circle curving to the right having a radius of 96.00 feet an arc length of 39.03 feet, having a chord bearing North 44 degrees 27 minutes 19 seconds West and a chord distance of 38.77 feet to a point of compound curve;

THENCE, along the arc of a circle curving to the right having a radius of 173.00 feet an arc length of 81.02 feet, having a chord bearing North 19 degrees 23 minutes 23 seconds West and a chord distance of 80.28 feet to a point of tangency;

THENCE, North 05 degrees 58 minutes 22 seconds West for a distance of 213.15 feet to a point, an angle;

THENCE, North 06 degrees 55 minutes 43 seconds West for a distance of 343.28 feet to the first mentioned point and place of **BEGINNING**.

CONTAINING 33,379 square feet of land, more or less (hereinafter "Maple Drive").

Section 2. Effect of Vacating of Maple Drive upon Public and Private Rights. Upon the vacating of Maple Drive, all public rights in and to Maple Drive shall cease UNDER and SUBJECT TO any private easement rights.

Section 3. Quit Claim Deed. Upon request and after the adoption of this ordinance, Mifflin Township may execute quit claim deed(s) to the property owners adjoining Maple Drive. The issuance of any deed shall be under and subject to the following clause being included in the deed: "Each owner by acceptance of the property do hereby release and indemnify Mifflin Township from all damages sustained as a result of the vacating of the Maple Drive. This conveyance is UNDER and SUBJECT TO any private easement rights".

Section 4. Effective date. This ordinance shall be effective immediately following its adoption.

Section 5. Filing of Public Record. A copy of this ordinance and the plan attached hereto as Exhibit "A" shall be filed in the Office of the Clerk of the Court of Common Pleas of Dauphin County, Pennsylvania".

Section 6. Exceptions, Appointment of Board of Viewers. Any resident or property owner affected by this ordinance may, within thirty (30) days after its date of adoption and only after entering into court sufficient surety to indemnify the Board of Supervisors for all costs incurred in the proceedings, file exceptions to this ordinance together with a petition for a review. Upon receipt of the exception and surety, the court of common pleas shall appoint viewers from the county board of viewers for the purpose of reviewing the ordinance and exceptions thereto. After the expiration of the term allowed for filing exceptions or upon the order of the court upon disposition of any exceptions, the court of common pleas, on application by petition by the Board of Supervisors or any person interested, shall appoint three viewers from the county board of viewers to assess the damages and benefits occasioned by the proceeding unless the damages and benefits are otherwise agreed upon.

Section 7. Public Notice. This ordinance has been advertised in a newspaper of general circulation not less than seven (7) days and no more than sixty (60) days prior to the date of the hearing. In addition, notices have been mailed to those property owners adjoining Maple Drive at least ten (10) days prior to the hearing.

Adopted by the Mifflin Township Board of Supervisors after a hearing held on Tuesday, August 10, 2021, at 6:30 p.m. at the Mifflin Township Municipal Building, 543 Municipal Road, Millersburg, Pennsylvania 17061.

**ENACTED BY THE MIFFLIN TOWNSHIP BOARD OF SUPERVISORS THIS
10TH DAY OF AUGUST, 2021.**

ATTEST:

MIFFLIN TOWNSHIP BOARD OF
SUPERVISORS:



Wanda E. Hockenberry
SECRETARY

David E. M...
CHAIRPERSON

VICE-CHAIRPERSON

Thomas B. Billaw
SUPERVISOR
Debra J. Schnuffel Kih