

**TOWNSHIP OF MANHEIM
LANCASTER COUNTY, PENNSYLVANIA**

ORDINANCE 2023-07

AN ORDINANCE OF THE TOWNSHIP OF MANHEIM, LANCASTER COUNTY, PENNSYLVANIA, VACATING AN APPROXIMATELY 1,954 SQUARE-FOOT PORTION OF FLORY MILL ROAD (T-557)

WHEREAS, Posh Hospitality No. 4, Flory Mill LLC (“Petitioner”) is the record owner of a tract of land located in Manheim Township, Lancaster County, Pennsylvania, known by Lancaster County Tax Parcel ID No. 390-44475-0-0000 (“Petitioner’s Property”); and

WHEREAS, Petitioner’s Property abuts the intersection of Flory Mill Road (T-557) and Shreiner Station Road; and

WHEREAS, the right-of-way of Flory Mill Road (T-557) formerly bisected Petitioner’s Property from west to east, extending from Rohrerstown Road (S.R. 741) to Pennsylvania Route 283; and

WHEREAS, pursuant to Manheim Township Resolution 1973-12 dated March 26, 1973 (the “1973 Resolution”), the Board of Commissioners of Manheim Township vacated a substantial segment of Flory Mill Road (T-557), including portions bisecting the Petitioner’s Property; and

WHEREAS, the 1973 Resolution did not vacate an approximately 1,954 square-foot portion of Flory Mill Road (T-557) east of its intersection with Shreiner Station Road, as depicted and described on **Exhibit A** attached hereto and incorporated herein (the “Subject Right-of-Way”); and

WHEREAS, the Subject Right-of-Way consists of grass, dirt and gravel and is not utilized for street purposes by the public; and

WHEREAS, the Subject Right-of-Way is surrounded on all sides by Petitioner’s Property; and

WHEREAS, by verified petition submitted to Manheim Township pursuant to Section 2011.1 of The First Class Township Code, 53 P.S. § 55101, *et seq.* (the “Code”), Petitioner has requested that Manheim Township vacate the Subject Right-of-Way; and

WHEREAS, following a duly advertised hearing held on March 13, 2023 in accordance with Section 2007 and 2011.2 of the Code, the Manheim Township Board of Commissioners adopted a motion to vacate the Subject Right-of-Way; and

WHEREAS, in accordance with Section 2007 of the Code, on March 28, 2023, Manheim Township filed that certain Written Report of Board of Commissioners of Manheim Township Regarding the Vacation of a Portion of Flory Mill Road (T-557) in the Office of the Recorder of Deeds in and for Lancaster County, Pennsylvania (the “Written Report”), which Written Report is known by Instrument No. 6729495; and

WHEREAS, more than thirty (30) days have passed since the date of filing of the Written Report and no person has filed exceptions thereto with the Lancaster County Court of Common Pleas as provided in Section 2007(d) of the Code; and

WHEREAS, after consideration of all information, comments and questions, members of the Board of Commissioners of Manheim Township have deemed it appropriate to vacate the Subject Right-of-Way, as described and depicted on **Exhibit A**, in accordance with Section 2007(e)(1) of the Code.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, by the Board of Commissioners of Manheim Township as follows:

SECTION 1. The Board of Commissioners of Manheim Township, Lancaster County, Pennsylvania, does hereby vacate and abandon all that certain 1,954 square feet comprising the Subject Right-of-Way, as described and depicted on **Exhibit A**, thereby relinquishing any right, title, interest, obligation, or duties thereto.

SECTION 2. Upon the vacation and abandonment of the aforesaid Subject Right-of-Way, title to the Subject Right-of-Way shall vest according to law.

SECTION 3. In the event any provision, section, sentence, 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 the Board of Commissioners that the remainder of the Ordinance shall be and shall remain in full force and effect.

SECTION 4. All other Ordinances or parts thereof which are contradictory with the provisions hereof are repealed to the extent of such inconsistencies.

SECTION 5. This Ordinance shall take effect and be in force from and after its enactment as provided by law.

DULY ENACTED AND ORDAINED this 8th day of May, 2023, by the Board of Commissioners of Manheim Township, Lancaster County, Pennsylvania, in lawful session duly assembled.

TOWNSHIP OF MANHEIM

Lancaster County, Pennsylvania

ATTEST:



(Assistant) Secretary

BY:



(Vice) President
Board of Commissioners



Exhibit A



Philadelphia Metro Region
Chalfont, PA - 215.712.9800
Philadelphia, PA - 800.668.1819
Mount Laurel, NJ - 609.857.2099
Corporate Office, Warren, NJ - 908.668.0099
cpasurvey.com

DECEMBER 22, 2022
REVISED MARCH 22, 2023
02-210361-00

METES AND BOUNDS DESCRIPTION
FLORY MILL ROAD RIGHT-OF-WAY VACATION

APN 390-44475-0-0000
LANDS NOW OR FORMERLY
MCGOVERNVILLE INVESTMENTS, LLC
COMMONWEALTH OF PENNSYLVANIA
MANHEIM TOWNSHIP, LANCASTER COUNTY
COMMONWEALTH OF PENNSYLVANIA

BEGINNING AT A POINT ON THE FUTURE EASTERLY RIGHT-OF-WAY LINE OF SHREINER STATION ROAD (25 FOOT HALF RIGHT-OF-WAY), BEING DISTANT 3.25 FEET FROM ITS INTERSECTION WITH THE FUTURE NORTHERLY RIGHT-OF-WAY LINE OF FLORY MILL ROAD, ON A COURSE OF SOUTH 16 DEGREES - 00 MINUTES 54 SECONDS EAST, AND FROM SAID POINT OF BEGINNING RUNNING, THENCE;

THE FOLLOWING SIX (6) COURSES ALONG THE EXISTING FLORY MILL ROAD RIGHT-OF-WAY:

1. ALONG, NORTH 77 DEGREES - 17 MINUTES - 18 SECONDS EAST, A DISTANCE OF 15.63 FEET TO A POINT, THENCE;
2. ALONG, NORTH 12 DEGREES - 42 MINUTES - 42 SECONDS WEST AND A DISTANCE OF 13.50 FEET TO A POINT, THENCE;
3. ALONG, NORTH 77 DEGREES - 17 MINUTES - 18 SECONDS EAST AND A DISTANCE OF 29.11 FEET TO A POINT, THENCE;
4. ALONG, SOUTH 05 DEGREES - 59 MINUTES - 03 SECONDS WEST AND A DISTANCE OF 31.67 FEET TO A POINT, THENCE;
5. ALONG, SOUTH 12 DEGREES - 42 MINUTES - 42 SECONDS EAST AND A DISTANCE OF 30.00 FEET TO A POINT, THENCE;
6. ALONG, SOUTH 77 DEGREES - 17 MINUTES - 18 SECONDS WEST AND A DISTANCE OF 31.91 TO A POINT ON THE FUTURE NORTHERLY RIGHT-OF-WAY LINE OF SHREINER STATION ROAD, THENCE;
7. ALONG THE NORTHERLY RIGHT-OF-WAY OF SHREINER STATION ROAD, NORTH 16 DEGREES - 00 MINUTES - 54 SECONDS WEST AND A DISTANCE OF 46.58 FEET TO THE POINT AND PLACE OF BEGINNING.

CONTAINING 1,954 SQUARE FEET OR 0.045 ACRE

THIS PROPERTY SUBJECT TO RESTRICTIONS, COVENANTS AND/OR EASEMENTS EITHER WRITTEN OR IMPLIED.

Evolution
of Land Surveying...

Chalfont
1600 Manor Drive, Suite 210
Chalfont, PA 18914

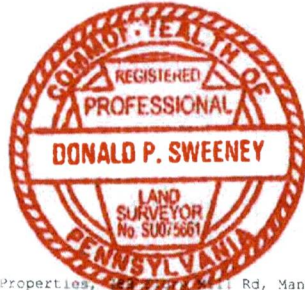
Philadelphia
1515 Market Street, Suite 920
Philadelphia, PA 19102

Mount Laurel
1300 Route 73, Suite 211
Mt. Laurel, NJ 08054

Corporate Office
30 Independence Blvd, Suite 100
Warren, NJ 07059

Professional Land Surveying, Geospatial, and Consulting Services

THIS DESCRIPTION WAS WRITTEN BASED UPON A MAP ENTITLED "PRELIMINARY/FINAL SUBDIVISION AND LAND DEVELOPMENT PLANS FOR POSH PROPERTIES, PROPOSED HOTEL & SELF-STORAGE FACILITY DEVELOPMENT, 789 FLORY MILL ROAD, MANHEIM TOWNSHIP, LANCASTER COUNTY, COMMONWEALTH OF PENNSYLVANIA", PREPARED BY BOHLER ENGINEERING, INC., PROJECT NO. PY212089-EASE-0B, SHEET TITLE: DEDICATION PLAN, SHEET NUMBER: EX-2, DATED 02/07/2023.

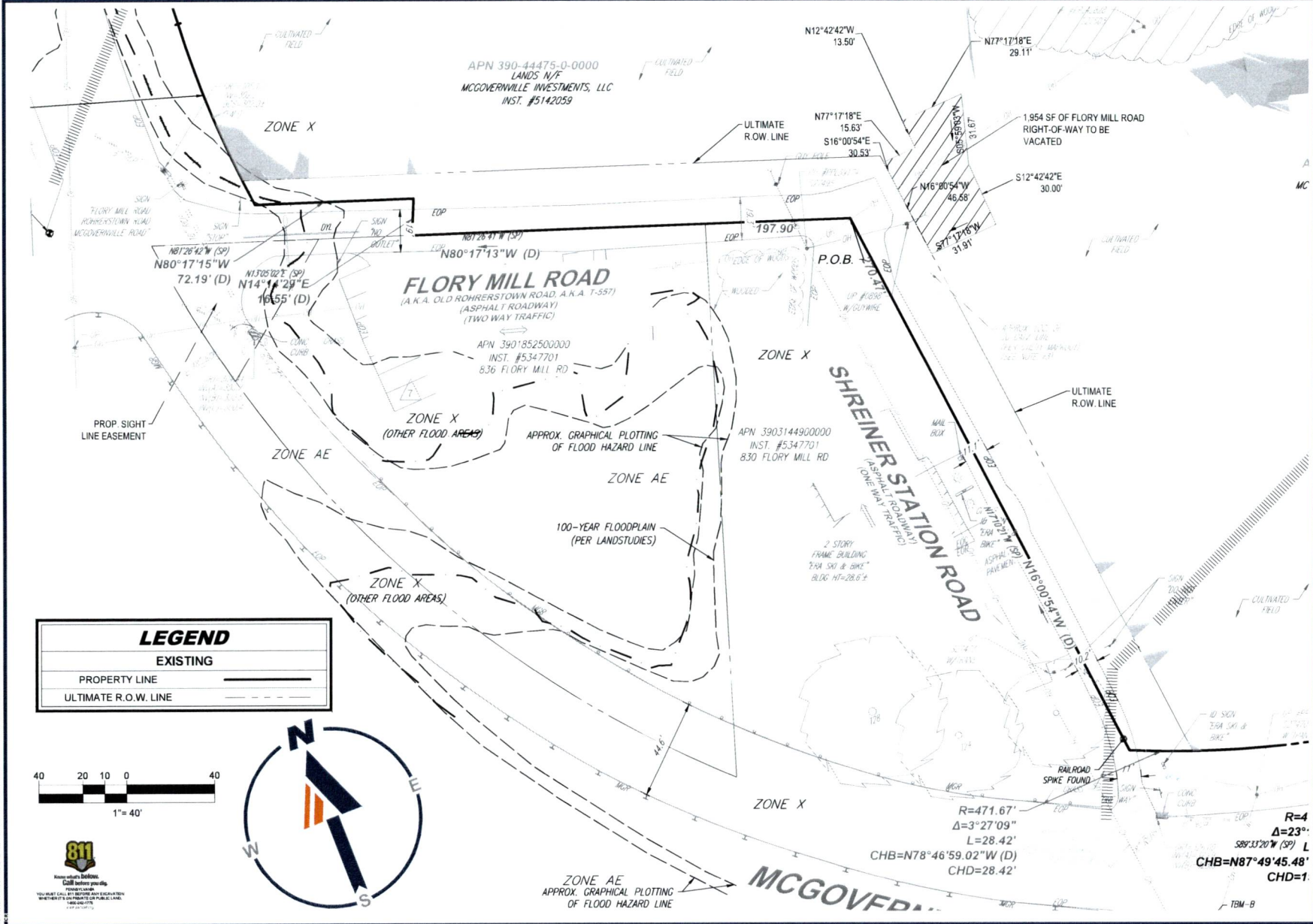


CONTROL POINT ASSOCIATES, INC.

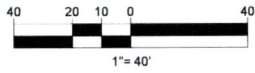
03/24/2023

DONALD P. SWEENEY, P.L.S. DATE
COMMONWEALTH OF PENNSYLVANIA
PROFESSIONAL LAND SURVEYOR # SU075661

S:\Surveys\2021\02-210361-BEI-Posh Properties, 789 Flory Mill Rd, Manheim Twp, Lancaster PA-BAR\M&B\M&B_FLORY_MILL_ROAD_ROW_VACATTON, R2.docx
PREPARED BY: MMM REVIEWED BY: BAR



LEGEND	
EXISTING	
PROPERTY LINE	———
ULTIMATE R.O.W. LINE	-----



811
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 WHETHER IT'S FOR A SIGN, POLE, LINE,
 OR ANY OTHER OBJECT.

BOHLER //
 SITE CIVIL AND SURVEYING ENGINEERING
 PROGRAM MANAGEMENT
 LANDSCAPE ARCHITECTURE
 PERMITTING SERVICES
 THE BOHLER GROUP

REVISIONS			
REV	DATE	COMMENT	ISSUED BY

NOT APPROVED FOR CONSTRUCTION

THIS DRAWING IS NOT VALID FOR CONSTRUCTION UNLESS IT IS ACCOMPANIED BY THE ORIGINAL APPROVED PERMITTING AGENCY (P.A.) STAMP AND/OR THE ORIGINAL APPROVED PERMITTING AGENCY (P.A.) STAMP AND/OR THE ORIGINAL APPROVED PERMITTING AGENCY (P.A.) STAMP.

PROJECT NO.	PT21208
DRAWN BY:	CAK
CHECKED BY:	CAK
DATE:	02/07/2023
CAD L.D.:	PT21208-EAS-09

PROJECT: PRELIMINARY / FINAL SUBDIVISION AND LAND DEVELOPMENT PLANS

POSH PROPERTIES

PROPOSED HOTEL & SELF-STORAGE FACILITY DEVELOPMENT
 788 FLORY MILL ROAD
 MANHEIM TOWNSHIP
 LANCASTER COUNTY, PA

BOHLER //

74 W BROAD STREET, SUITE 500
 BETHELEHEM, PA 18018
 Phone: (610) 758-9971
 Fax: (610) 758-9975
www.BohlerEngineering.com

M.E. JEITNER

PROFESSIONAL ENGINEER
 PENNSYLVANIA LICENSE NO. PG0007122
 NEW JERSEY LICENSE NO. 24658443200
 DELAWARE LICENSE NO. 19324

SHEET TITLE:
DEDICATION PLAN

SHEET NUMBER:
EX-2

ORG. DATE - 02/07/2023