

**BOROUGH OF MIFFLINBURG  
UNION COUNTY, PENNSYLVANIA**

**ORDINANCE NO: 2023 - 02**

**AN ORDINANCE OF THE BOROUGH OF MIFFLINBURG, UNION COUNTY, PENNSYLVANIA ACCEPTING AND ACKNOWLEDGING THE DEED OF DEDICATION BETWEEN DAVID W. GUTELIUS AND CINDY L. GUTELIUS AND THE BOROUGH OF MIFFLINBURG, UNION COUNTY, PENNSYLVANIA DATED AUGUST 27, 2018, AND RECORDED AT UNION COUNTY INSTRUMENT NO. 201800003093 AT BOOK 2917 PAGE 248**

**WHEREAS**, David W. Gutelius and Cindy L. Gutelius (“Grantors”) are the developers of a residential subdivision as shown as the plan entitled Final Subdivision and Land Development Plans for Eighth Street Subdivision, Borough of Mifflinburg, Union County, Pennsylvania as recorded in the Office of the Recorder of Deeds in and for Union County, Pennsylvania at Instrument No. 2017000033695 (hereinafter referred to as the “Eighth Street Subdivision”) which is incorporated herein by reference hereto; and,

**WHEREAS**, on August 27, 2018, Grantors executed and conveyed a Deed of Dedication in and to the Borough of Mifflinburg (the “Borough”), Union County, Pennsylvania, to the utilities and the roadway known as Oak Avenue within the Eighth Street Subdivision, as depicted on Exhibit “A” which is attached hereto and incorporated in its entirety herein; and,

**WHEREAS**, on August 28, 2018, the Deed of Dedication from the Grantors was accepted by the Borough, as shown on the Deed of Dedication attached hereto as Exhibit “A”; and,

**WHEREAS**, after advertisement in a newspaper of general circulation and due notice to all affected property owners, Borough Council of the Borough of Mifflinburg has determined that it is necessary and proper to formally acknowledge and accept the Deed of Dedication as set forth in Exhibit “A” by Ordinance.

**NOW, THEREFORE**, be it, and it is hereby **ORDAINED** by the Borough Council of the Borough of Mifflinburg, and it is hereby **ENACTED** and **ORDAINED** by authority of same as follows:

**Section 1**

The Borough of Mifflinburg, Union County, Pennsylvania, accepts and acknowledges the August 27, 2018, Deed of Dedication from Grantors in its entirety, as described and depicted in Exhibit "A" which is attached hereto and incorporated in its entirety.

**Section 2**

In the event any provision, section, sentence, clause or part of this Ordinance is 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 the Ordinance shall be and shall remain in full force and effect.

**Section 3**

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

**ORDAINED** and **ENACTED** this 21<sup>st</sup> day of March, 2023 by the Borough Council of the Borough of Mifflinburg, Union County, Pennsylvania.

ATTEST:

Margaret A. Metzger  
Margaret A. Metzger, Secretary

**BOROUGH OF MIFFLINBURG**

By: Richard J. Fry  
Richard J. Fry, President

Approved this 21<sup>st</sup> day of March 2023

David M. Cooney  
David Cooney, Mayor

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**DEED OF DEDICATION**

MADE this 27<sup>th</sup> day of August, 2018, by and between **DAVID W. GUTELIUS AND CINDY L. GUTELIUS**, adult individuals principally residing at 2095 Green Ridge Road, Mifflinburg, Pennsylvania 17844 (hereinafter called "GRANTORS"), and the **BOROUGH OF MIFFLINBURG**, a municipality existing by virtue of the laws of the Commonwealth of Pennsylvania, with its principal office located at 120 North Third Street, Mifflinburg, Pennsylvania 17844 (hereinafter called "GRANTEE").

WHEREAS, Grantors are the developers of a residential subdivision as shown on the plan entitled Final Subdivision and Land Development Plans for Eighth Street Subdivision, Borough of Mifflinburg, Union County, Pennsylvania as recorded in the Office of the Recorder of Deeds in and for Union County, Pennsylvania at Instrument No. 201700003365 (hereinafter referred to as the "Eighth Street Subdivision") which is incorporated herein by reference hereto; and

WHEREAS, Grantors have constructed certain sanitary sewage lines, water lines, stormwater facilities, electric facilities, and related facilities (the "Utilities") within the Eighth Street Subdivision in accordance with the aforementioned subdivision and land development plan; and

WHEREAS, Grantors have constructed the roadway known as Oak Avenue within the Eighth Street Subdivision in accordance with the aforementioned subdivision and land development plan; and

WHEREAS, Grantors desire to dedicate the Utilities and Oak Avenue to Grantee for public use; and

Exhibit A

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WHEREAS, Grantee has deemed it in the best interest of the public and existing and potential users of Grantee to accept for public use Grantors' Utilities and Oak Avenue.

WITNESSETH:

That the said Grantors, for and in consideration of the sum of ONE DOLLAR AND 00/100 DOLLARS (\$1.00), the receipt and sufficiency of which is acknowledged or numerous other consideration affecting the public welfare, the Grantors hereby for public use by Grantee dedicate, transfer, convey, assign, deliver, and quit claim to Grantee, its successors and assigns, all of the Grantors' right, title, and interest, legal and equitable, in the Utilities and Oak Avenue with all associated right-of-ways and easements, all conduits, pipes, manholes and appurtenance and any borough, county and state highway occupancy permits issued to Grantors relating to the Utilities and Oak Avenue.

Oak Avenue, the Utilities and related facilities being so dedicated to the Grantee, for public use, shall be those Utilities located within the Oak Avenue right-of-way and the easement area depicted on the plans attached hereto and incorporated herein as Exhibits "A" and "B" and more particularly described in Exhibits "C", "D", and "E", attached hereto and incorporated herein by reference.

The easements associated with the Utilities and related facilities being so dedicated are being recorded contemporaneously with this Deed of Dedication on this 28<sup>th</sup> day of August, 2018 in the Office of the Recorder of Deeds in and for Union County, Pennsylvania at Instrument No. \_\_\_\_\_.

Grantors represent and warrant that they are the lawful owners of Oak Avenue and the Utilities being dedicated and transferred to Grantee pursuant to this Deed, that they are free and

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clear of all encumbrances and liens, and that Grantors have the right to dedicate and transfer the Utilities and Oak Avenue to Grantee.

Oak Avenue and the Utilities dedicated by Grantors to Grantee by this Deed are transferred "as is-where is," in their present condition, without any representations or warranties, express or implied, except as specifically set forth in this Deed.

Nothing in this Deed, express or implied, is intended or shall be construed to confer upon or give to any person, firm, or corporation, other than Grantee, any remedy or claim, under or by reason of the Deed, or any term, covenant, or condition hereof; and all of the terms, covenants, conditions, and promises contained in this Deed shall be for the sole and exclusive benefit of Grantee, and its successors and assigns.

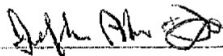
**THIS CONVEYANCE IS BEING MADE AS A DEDICATION OF THE ROAD KNOWN AS OAK AVENUE AND CERTAIN UTILITIES, AS DESCRIBED HEREIN, TO THE BOROUGH OF MIFFLINBURG AND IS THEREFORE EXEMPT FROM REALTY TRANSFER TAX.**

In Witness Whereof, the said Grantors have hereunto duly executed this Deed of Dedication the day and year first above written.

WITNESSES:

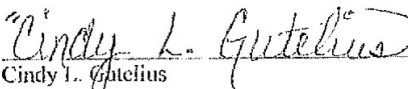
GRANTORS:

DAVID W. GUTELIUS AND  
CINDY L. GUTELIUS

  
\_\_\_\_\_

  
\_\_\_\_\_  
David W. Gutelius

  
\_\_\_\_\_

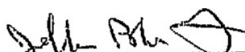
  
\_\_\_\_\_  
Cindy L. Gutelius

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COMMONWEALTH OF PENNSYLVANIA :  
: ss  
COUNTY OF UNION :

On this 27<sup>th</sup> day of August, 2018, before me, a notary public, the undersigned individuals, personally appeared **David W. Gutelius and Cindy L. Gutelius**, who acknowledged themselves to be the **Owners** of the **EIGHTH STREET SUBDIVISION**, and that they, as such **Owners** and being authorized to do so, executed the foregoing instrument for the purposes therein contained by signing the names of **David W. Gutelius and Cindy L. Gutelius**, by themselves as **Owners**.

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

  
Notary Public  
My Commission Expires: 3/26/2021

COMMONWEALTH OF PENNSYLVANIA  
NOTARIAL SEAL  
Jeffrey Blair Dunkle, Notary Public  
Mifflinburg Boro, Union County  
My commission expires March 26, 2021

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ACCEPTANCE

The foregoing Deed of Dedication from David W. Gutelius and Cindy L. Gutelius, is accepted this 28<sup>th</sup> day of August, 2018 by the Borough of Mifflinburg.

ATTEST:

GRANTEE:

BOROUGH OF MIFFLINBURG

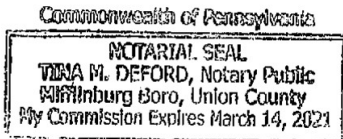
Margaret A. Mum  
Secretary

Beverly L. Hackenberg  
Beverly L. Hackenberg  
Borough Council President

COMMONWEALTH OF PENNSYLVANIA :  
: ss:  
COUNTY OF UNION :

On this 28 day of August, 2018, before me, a notary public, the undersigned officer, personally appeared **Beverly L. Hackenberg**, who acknowledged herself to be the **President** of the **Borough Council of the Borough of Mifflinburg**, a Pennsylvania municipality, and that she, as such **President** and being authorized to do so, accepted the foregoing Deed of Dedication for the purposes therein contained.

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

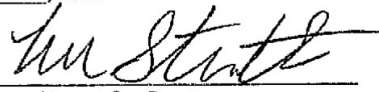


Tina M. Deford  
Notary Public  
My Commission Expires: 3/14/21

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I hereby certify that the Grantee's complete post office address is 120 North Third Street,  
Mifflinburg, Pennsylvania 17844.

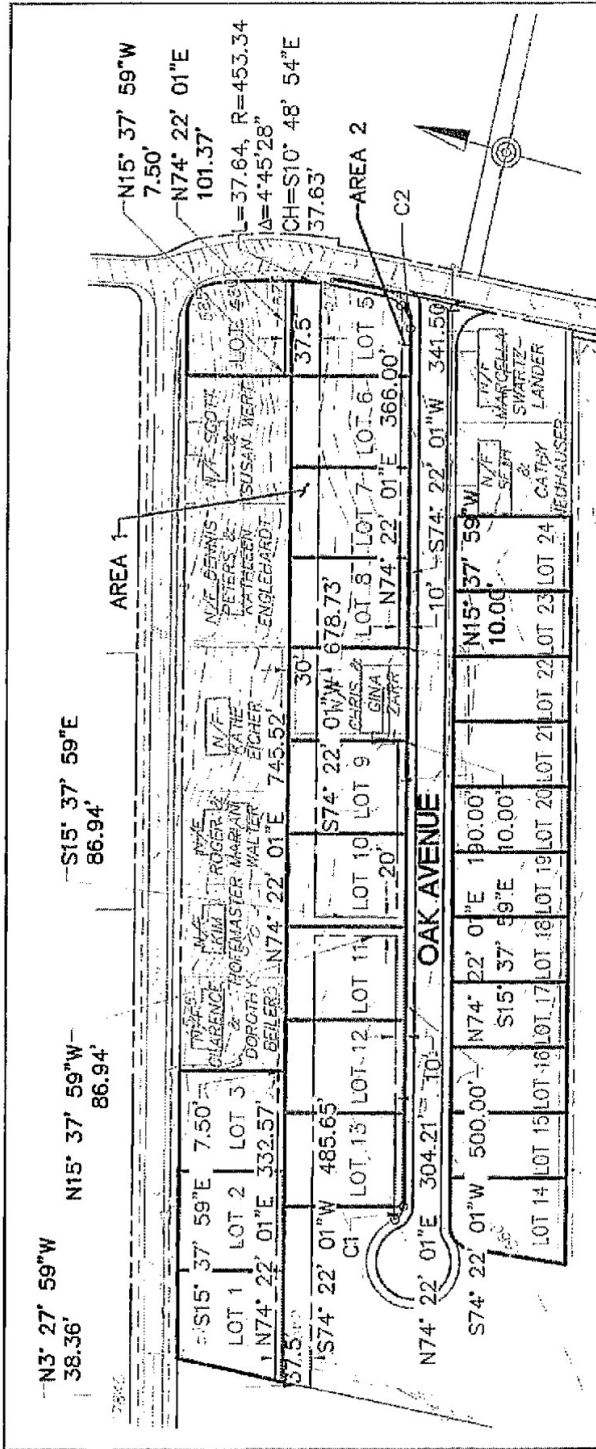
Witness my hand this 28<sup>th</sup> day of August, 2018.

  
\_\_\_\_\_  
Attorney/Agent for Grantee





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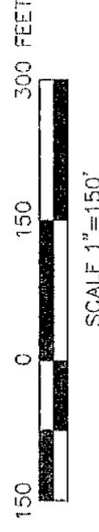


NOTES:  
 AREA 1 CONTAINING 45,583 SQ. FT. OR 1.0464 ACRES.  
 AREA 2 CONTAINING 3,584 SQ. FT. OR 0.0823 ACRES.

DAVID & CINDY GUTELIUS

**CURVE TABLE**

CURVE #	LENGTH	RADIUS	DELTA	CHORD DIRECTION	CHORD LENGTH
C1	18.50'	15.16'	69° 56' 19"	N70° 29' 22"W	17.37'
C2	27.13'	35.00'	44° 24' 55"	S52° 09' 34"W	26.46'



It is a violation of the law for any person, unless acting under the direction of a licensed Architect, Engineer or Land Surveyor to alter or add to any map, plan, specification, contract, report or other document prepared by a professional engineer, architect or land surveyor in the practice of their profession, if such alteration or addition may have been fraudulently altered and shall not be considered an original copy. Copyright Protector 2018, Larson Design Group.

**Architects Engineers Surveyors**  
 1760 Route 522  
 Selinsgrove, PA 17870  
 PHONE 570.374.5700  
 TOLL FREE 877.333.6603  
 FAX 570.374.5703  
 www.larsondesigngroup.com

UTILITY EASEMENT AND DEDICATION EXHIBIT  
**EXHIBIT B**  
 PROJECT NO: 11187-001  
 SCALE: AS SHOWN

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Eighth Street Subdivision

Utility Easement

March 2, 2018

All that certain piece, parcel, and lot of land situate in Borough of Mifflinburg, Union County, Pennsylvania and shown upon a plan of the Eighth Street Subdivision for Dave and Cindy Gutelius, by the Larson Design Group, file 11187-001; bounded and described as follows:

Beginning at a point on the western right way of line of State Route 3003, known as Eighth Street, said point being N 3°47'10" W, 127.72' from the southeast corner of lands of Marcella K. Swartlander;

Thence from the point and place of beginning through and along the southern right of way line of Oak Avenue S 74°22'01" W, 986.85' to a point;

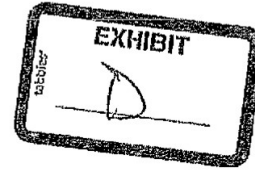
Thence through Oak Avenue, N 15°37'59" W, 50.00' to a point;

Thence through and along the northern right of way line of said Oak Avenue, N 74°22'01" E, 997.34' to a point on the western right of line of said State Route 3003;

Thence along the western right of way line of State Route 3003, S 3°47'10" E, 51.09' to the point and place of beginning.

Containing 49,605 sq/ft or 1.1388 Acres

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Eighth Street Subdivision

Utility Easement  
Area 1

March 27, 2018

All that certain piece, parcel, and lot of land situate in Borough of Mifflinburg, Union County, Pennsylvania and shown upon a plan of the Eighth Street Subdivision for Dave and Cindy Gutelius, by the Larson Design Group, file 11187-001, bounded and described as follows:

Beginning at a point on the western right way of line of State Route 3003, known as Eighth Street, said point also being located 7.51' along a curve to the left, with a radius of 453.34' having a delta of 05° 56' 57" and having a chord of N 12°43'09" W 7.51', from the southeast corner of Lot 4;

Thence from the point and place of beginning, along said State Route 3003, by a curve to right, having a radius of 453.34', a length of 37.64, a delta of 4°45'28", and a having a chord of S 10°48'54" E, 37.63' to a point;

Thence through Lots 5 through 8, lands of Chris E. & Gina L. Zarr, and lots 9 through 10, the following four courses and distances:

1. S 74°22'01" W, 678.73' to a point;
2. S 15°37'59" E, 86.94' to a point;
3. N 74°22'01" E, 190.00' to a point;
4. S 15°37'59" E, 10.00' to a point on the northern right of way line of Oak Avenue;

Thence along said Oak Avenue and Lots 9,10,11,12, and 13 of the Eighth Street Subdivision and Lands of David and Cindy Gutelius, the following two course and distances

1. S 74°22'01" W, 500.00' to a point;
2. By a curve to left having a radius of 15.16', a length of 18.50', a delta of 69°56'19", and having a chord of N 70°29'22" W, 17.37' to a point;

Thence through lands of David W. & Cindy L. Gutelius, and through Lots 11, 12, and 13 and the following three courses and distances:

1. N 74°22'01" E, 304.21' to a point;
2. N 15°37'59" W, 86.94' to a point;
3. S 74°22'01" W, 485.65' to a point in the eastern line of lands of Larry D. & Marry N. Walker;

Thence along the eastern line of lands of said Walker N 3°27'59" W, 38.36' to a point on the western line of Lot 1 on the Eighth Street Subdivision;

Thence through the lands of Lots 1 through 3, N 74°22'01" E, 332.57' to a point in the western line of lands of Clarence W. & Dorothy F. Beiler;

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Thence along said Beiler S 15°37'59" E, 7.50' to a point in the northern line of Lot 12;

Thence along the north lines of Lots 12 through 9, and lands of Chris E. & Gina L. Zarr, and Lots 8 through 6, and the southern lines of said Beiler, Kim M. Hoffmaster, Rodger J. & Marian E. Walter, Katie M. Eicher, Dennis A. Peters & Kathleen J. Englehardt, Scott L. & Susan M. Wert, N 74°22'01" E, 745.52' to a point in the western line of lot 4;

Thence along and through Lot 4 the following two courses and distances:

1. N 15°37'59" W, 7.50' to a point;
2. N 74°22'01" E, 101.37' to the point and place of beginning.

Containing 45,583 sq/ft or 1.0464 Acres.

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Eighth Street Subdivision

Utility Easement  
Area 2

March 27, 2018

All that certain piece, parcel, and lot of land situate in Borough of Mifflinburg, Union County, Pennsylvania and shown upon a plan of the Eighth Street Subdivision for Dave and Cindy Gutelius, by the Larson Design Group, file 11187-001, bounded and described as follows:

Beginning at a point on the northern right way of line Oak Avenue, said point being the southeast corner of lands of Chris E. and Gina L. Zarr, also being the southwest corner of lot number 8 and the southwest corner of the easement here in described;

Thence from the point and place of beginning along the line of lands of said Zarr and Lot 8, N 15°37'59" W, 10.00' to a point;

Thence through Lots 5 through 8 of said Eighth Street Subdivision, N 74°22'01" E, 366.00' to a point on the western right of way of Oak Avenue;

Thence along the western and northern right of way line of said Oak Avenue, the following two courses and distances:

1. By a curve to right having a radius of 35.00', a length of 27.13', a delta of 44°24'55", and having a chord of S 52°09'34" W, 26.46' to a point;
2. S 74°22'01" W, 341.50' to the point and place of beginning.

Containing 3,584 sq/ft

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# CERTIFICATION PAGE

DO NOT DETACH  
THIS PAGE IS NOW A PART OF THIS LEGAL DOCUMENT

RECORDING INFORMATION AND FEES PAID

201800003093  
Filed for Record in  
UNION COUNTY PA  
LISA A. SEWARD, RECORDER OF DEEDS  
08-29-2018 At 09:14 am.  
DEED O DEDI 76.25  
OR Book: 2917 Page 242 - 255

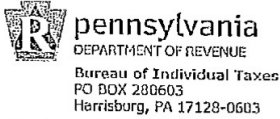
I hereby certify that this document is recorded in the Recorder's Office of Union County, Pennsylvania.



*Lisa A. Seward*  
Recorder of Deeds

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REV-183 EX (10-14)



**REALTY TRANSFER TAX STATEMENT OF VALUE**

See reverse for instructions.

**RECORDER'S USE ONLY**

State Tax Paid	0.00
Book Number	2917
Page Number	242
Date Recorded	8/29/18

Complete each section and file in duplicate with Recorder of Deeds when (1) the full value/consideration is not set forth in the deed, (2) the deed is without consideration or by gift, or (3) a tax exemption is claimed. If more space is needed, please attach additional sheets. A Statement of Value (SOV) is not required if the transfer is wholly exempt from tax based on family relationship or public utility easement. However, it is recommended that a SOV accompany all documents filed for recording.

**A. CORRESPONDENT - All inquiries may be directed to the following person:**

Name <i>Doree Gauthier</i>	Telephone Number: <i>570 966 1013</i>
Mailing Address <i>2095 Green Ridge Rd</i>	City <i>Mufflerburg</i>
	State <i>Pa</i>
	ZIP Code <i>17844</i>

**B. TRANSFER DATA**

Date of Acceptance of Document <i>8/29/2018</i>			
Grantor(s)/Lessor(s) <i>Doree Gauthier</i>	Telephone Number: <i>570 428 4878</i>	Grantee(s)/Lessee(s) <i>Mufflerburg Borough</i>	Telephone Number: <i>570 966 1013</i>
Mailing Address <i>2095 Green Ridge Rd</i>		Mailing Address <i>120 W 3rd St</i>	
City <i>Mufflerburg</i>	State <i>Pa</i>	ZIP Code <i>17844</i>	City <i>Mufflerburg</i>
			State <i>Pa</i>
			ZIP Code <i>17844</i>

**C. REAL ESTATE LOCATION**

Street Address <i>North St</i>	City, Township, Borough <i>Mufflerburg</i>
County <i>Union</i>	School District <i>Mufflerburg</i>
	Tax Parcel Number

**D. VALUATION DATA**

Was transaction part of an assignment or relocation?  Y  N

1. Actual Cash Consideration <i>1.00</i>	2. Other Consideration <i>0</i>	3. Total Consideration <i>= 1.00</i>
4. County Assessed Value <i>NA</i>	5. Common Level Ratio Factor <i>X 1.37</i>	6. Fair Market Value <i>= NA</i>

**E. EXEMPTION DATA - Refer to instructions for exemption status.**

1a. Amount of Exemption Claimed <i>\$ 1.00</i>	1b. Percentage of Grantor's Interest in Real Estate <i>100 %</i>	1c. Percentage of Grantor's Interest Conveyed <i>100 %</i>
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**2. Check Appropriate Box Below for Exemption Claimed.**

- Will or intestate succession. (Name of Decedent) \_\_\_\_\_ (Estate File Number) \_\_\_\_\_
- Transfer to a trust. (Attach complete copy of trust agreement identifying all beneficiaries.)
- Transfer from a trust. Date of transfer into the trust \_\_\_\_\_  
If trust was amended attach a copy of original and amended trust.
- Transfer between principal and agent/straw party. (Attach complete copy of agency/straw party agreement.)
- Transfers to the commonwealth, the U.S. and instrumentalities by gift, dedication, condemnation or in lieu of condemnation. (If condemnation or in lieu of condemnation, attach copy of resolution.)
- Transfer from mortgagor to a holder of a mortgage in default. (Attach copy of mortgage and note/assignment.)
- Corrective or confirmatory deed. (Attach complete copy of the deed to be corrected or confirmed.)
- Statutory corporate consolidation, merger or division. (Attach copy of articles.)
- Other (Please explain exemption claimed.) \_\_\_\_\_

Under penalties of law, I declare that I have examined this statement, including accompanying information, and to the best of my knowledge and belief, it is true, correct and complete.

Signature of Correspondent or Responsible Party <i>[Signature]</i>	Date <i>8/29/2018</i>
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**FAILURE TO COMPLETE THIS FORM PROPERLY OR ATTACH REQUESTED DOCUMENTATION MAY RESULT IN THE RECORDER'S REFUSAL TO RECORD THE DEED.**