

TOWNSHIP OF MUHLENBERG
ORDINANCE NO. 613

AN ORDINANCE OF THE TOWNSHIP OF MUHLENBERG,
COUNTY OF BERKS, COMMONWEALTH OF
PENNSYLVANIA, ACCEPTING A DEED OF DEDICATION OF
COMMERCE DRIVE, OR PARTS THEREOF, TOGETHER WITH
ANY AND ALL EASEMENTS THEREIN NECESSARY FOR
PUBLIC WATER, SEWER AND STORM SEWER FACILITIES, IN
THE DEVELOPMENT KNOWN AS HAY ROAD APARTMENTS;
AND REPEALING ALL INCONSISTENT ORDINANCES OR
PARTS THEREOF

WHEREAS, LSE PROPERTIES, LLC has executed, acknowledged and delivered to the Township of Muhlenberg a certain Deed of Dedication (the “Deed of Dedication”) with respect to Commerce Street, or parts thereof, (the “Road”), together with certain easements as may be necessary therein for public water, sewer or storm water facilities (“Easements”) in the development known as the Hay Road Apartments (the “Development”) to have and to hold the same; and

WHEREAS, the Township of Muhlenberg is desirous of opening the Road as a public street within the Township of Muhlenberg and accepting the easements;

NOW THEREFORE, the Board of Commissioners of the Township of Muhlenberg, County of Berks, Commonwealth of Pennsylvania, hereby enacts and ordains as follows:

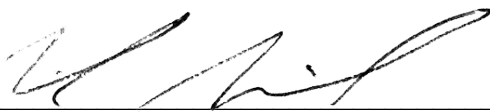
SECTION 1. The Township of Muhlenberg accepts the Deed of Dedication dedicating the Road located in the Development to the Township of Muhlenberg for public use by the Township, (a) with respect to the Road, as a public street or highway of the Township of Muhlenberg, County of Berks, Commonwealth of Pennsylvania, in accordance with the description therein contained, and hereby lays out and opens said Road as a public street or highway as if said street had been opened by a Decree of the Court of Common Pleas of Berks County, after proceedings duly had for that purpose under and in pursuance of the Road Laws of the Commonwealth of Pennsylvania, or as if said Road had been opened under the provisions of the First Class Township Code of the Commonwealth of Pennsylvania and included the same in the system of Township roads, in accordance with the lines and grades as pertain to those portions of said streets included in the plans for the Hay Road Apartments, and as further described on the Deed of Dedication attached hereto and made a part hereof and (b) with respect to the Easement, for the purposes set forth in the respective Deed of Dedication.

SECTION 2. The Township Engineer and Township Solicitor are hereby authorized and directed to do all such things and take such action as is necessary in order to effect the intent and purpose of this ordinance, making the aforesaid streets, or portions thereof, part of the Township road system.

SECTION 3. All ordinances or parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed insofar as they are inconsistent with the provisions of this Ordinance.

ENACTED AND ORDAINED as an ordinance of the TOWNSHIP OF MUHLENBERG, Berks County, Pennsylvania, this 16th day of October, 2023.

BOARD OF COMMISSIONERS OF MUHLENBERG
TOWNSHIP, BERKS COUNTY, PENNSYLVANIA



President



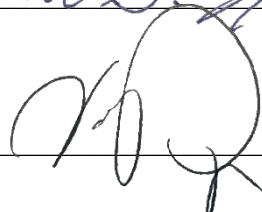
Vice President




Member



Member



Member

Attest: 
Secretary

Deed of Dedication

Prepared by:
Kelsey Frankowski
Georgiadis/Setley
4 Park Plaza, 2nd Floor
Wyomissing, PA 19610

Return to:
Mr. James Bobeck
Township of Muhlenberg
210 George Street
Reading, PA 19605

Premises:
Commerce Street
Muhlenberg Township, Berks County, Pennsylvania
PIN: A portion of # 2020014418

THIS DEED OF DEDICATION OF A PORTION OF COMMERCE STREET,
made this _____ day of _____, 2023, between:

LSE PROPERTIES LLC, a Pennsylvania limited liability company, hereinafter referred to as the “Grantor” of the one part, and

The Township of Muhlenberg, a Pennsylvania municipal corporation, organized and existing under and by virtue of the laws of the Commonwealth of Pennsylvania, hereinafter referred to as the “Grantee” of the other part (whenever used herein the term “Grantor” or “Grantee” shall include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

WITNESSETH, that the Grantor, for and in consideration of the sum of One Dollar (\$1.00) lawful money of the United States of America, unto said Grantor, the receipt whereof is hereby acknowledged, hereby grants, bargains, sells, enfeoffs, aligns, releases, conveys and confirms unto the Grantee, its successors and assigns, all that certain land situate in Berks County, viz:

See Exhibit “A” for Legal Description

TOGETHER, with all improvements, ways, waters, water-courses, rights, liberties, privileges, tenements, hereditaments and appurtenances whatsoever thereunder belonging, or in any wise appertaining, and the reversions and remainders, rents, issues and profits thereof; and all

the estate, right, title, interest, property, claim and demand whatsoever of the said Grantor, in law, equity or otherwise howsoever, of, in and to the same and every part thereof.

Being part of the same property that Ersilip Stipa and Maria Stipa granted and conveyed by deed dated 5/01/2017 and recorded in instrument# 2017015804 unto LSE Properties LLC.

TO HAVE AND TO HOLD, the said lot or piece of ground with the improvements thereon erected, hereditaments and premises hereby granted or mentioned and intended so to be, with the appurtenances, unto the Grantee, to and for the only proper use and behoof of the said Grantee in fee simple forever, as a part of the public road system of the Township.

AND the said Grantor, successors and assigns do covenant, promise and agree, to and with the said Grantee, successors and assigns, by these presents, that the said Grantor and successors and assigns, all and singular the hereditaments and premises hereby granted or mentioned and intended so to be, with the appurtenances, unto the said Grantee, successors and assigns, against them, the said Grantors and their 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 him, her, them or any of them, shall and will, subject, as aforesaid, specially warrant and forever defend.

IN WITNESS WHEREOF, the said Grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered:

LSE PROPERTIES, LLC

By: _____
Name:
Title:

State of Pennsylvania :
: ss.
County of Berks :

On this ____ day of _____ 2023, before me, the undersigned officer, personally appeared _____, who acknowledged herself/himself as the _____ of LSE PROPERTIES, LLC and that he/she as such officer, being duly authorized to do so, executed the foregoing instrument for the purposes therein contained by signing the name of the Grantor herein.

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

Notary Public

I hereby certify that the Grantee's address is:

Muhlenberg Township
210 George Street
Reading, PA 19605

Kelsey Frankowski, Esq.

EXHIBIT A

LEGAL DESCRIPTION

All that certain parcel of land being known as extension of Commerce Street on the Final Plan of Hay Road Apartments as prepared Tarson LLC dated 8/30/2018 last revised 1/22/2020 , located in Muhlenberg Township, Commonwealth of Pennsylvania, and being recorded in Instrument # 2020014418 in Berks County Records, as follows:

BEGINNING at a point of curvature on the Northern right-of-way of Hay Road.

THENCE in and along the lands of LSE Properties LLC. The following 19 courses and distances:

1. Along a curve bearing to the left with a Central Angle of Eight-Three Degrees Twenty-Nine Minutes Thirty Seconds ($83^{\circ}29'30''$) an Arc Length of Twenty-Nine and fourteen hundreds of a foot (29.14') and a Radius of Twenty and Zero hundreds of a foot ($20.00'$) to a point.

2. North Thirty-One Degrees Fifty-Seven Minutes Forty-Nine Seconds West ($N31^{\circ}57'49''W$) a distance of Thirteen and Twenty hundreds of a foot ($13.20'$) to a point.

3. Along a curve bearing to the right with a Central Angle of Forty-Degrees Twenty-One Minutes Thirty-Eight Seconds ($40^{\circ}21'38''$) and Arc Length of One Hundred and Twenty-Three and Twenty-Eight hundreds of a foot ($123.28'$) and a Radius of One Hundred and Seventy-Five and Zero hundreds of a foot ($175.00'$) to a point.

4. North Eight Degrees Twenty-Three Minutes Forty-Nine Seconds East ($N08^{\circ}23'49''E$) a distance of One Hundred and Eighty-Two and Seventy-Four hundreds of a foot ($182.74'$) to a point.

5. Along a curve bearing to the right with a Central Angle of Twenty-One Degrees Forty-Eight Minutes Ten Seconds ($21^{\circ}48'10''$) an Arc Length of Sixty-Six and Fifty-Nine hundreds of a foot ($66.59'$) and a Radius of One Hundred and Seventy-Five and Zero hundreds of a foot ($175.00'$) to a point.

6. North Thirty Degrees Eleven Minutes Fifty-Nine Seconds East ($N30^{\circ}11'59''E$) a distance of Eighty-Nine and Sixty-Seven hundreds of a foot ($89.67'$) to a point.

7. Along a curve bearing to the left with a Central Angle of Twenty-Six Degrees Thirty-Eight Minutes Twenty-Five Seconds ($26^{\circ}38'25''$) an Arc Length of Fifty-Eight and Twelve hundreds of a foot ($58.12'$) and a Radius of One Hundred and Twenty-Five and Zero hundreds of a foot ($125.00'$) to a point.

8. North Three Degrees Thirty-Three Minutes Thirty-Three Seconds East ($N3^{\circ}33'33''E$) a distance of Two Hundred Twenty-five and Eighty-Five hundreds of a foot (225.85') to a point.
9. South Eighty-Five Degrees Forty-Eight Minutes Thirty-one Seconds East ($S85^{\circ}48'31''E$) a distance of Twenty-Six and Seventy hundreds of a foot (26.70') to a point in the Center Line of Commerce Street.
10. Thence along the Center Line on Commerce Street South Three Degrees Thirty-Three Minutes Thirty-Three Seconds West ($S3^{\circ}33'33''W$) a distance of One Hundred Fifty-Nine and Eighty-Five hundreds of a foot (159.85') to a point
11. North Fifty-Eight Degrees Twenty-Four Minutes Fourteen Seconds East ($N58^{\circ}24'14''E$) a distance of Eighteen and Sixty-Five hundreds of a foot (18.65') to a point on the Eastern side of Commerce Street.
12. South Twenty-Four Degrees Twenty-Six Minutes Twenty Seconds East ($S24^{\circ}26'20''E$) a distance of Seventeen and Sixteen hundreds of a foot (17.16') to a point.
13. South Three Degrees Thirty-Three Minutes Thirty-Three Seconds West ($S03^{\circ}33'33''W$) a distance of Sixty-one and Twenty-nine hundreds of a foot (61.29') to a point.
14. Along a curve bearing to the right with a Central Angle of Twenty-Six Degrees Thirty-Eight Minutes Twenty-five Seconds ($26^{\circ}38'25''$) an Arc Length of Eighty-one and Thirty-seven hundreds of a foot (81.37') and a Radius of One Hundred and Seventy-Five and Zero hundreds (175.00') to a point.
15. South Thirty Degrees Eleven Minutes Fifty-nine Seconds West ($S30^{\circ}11'59''W$) a distance of Eighty-nine and Sixty-seven hundreds of a foot (89.67') to a point.
16. Along a curve bearing to the left with a Central Angle of Twenty-one Degrees Forty-Eight Minutes Ten Seconds ($21^{\circ}48'10''$) an Arc Length of Forty-Seven and Fifty-Six hundreds of a foot (47.56') and a Radius of One Hundred and Twenty-Five and Zero hundreds of a foot (125.00') to a point.
17. South Eight Degrees Twenty-three Minutes Forty-Nine Seconds West ($S8^{\circ}23'49''W$) a distance of One Hundred Eighty-Two and Seventy-four hundreds of a foot (182.74') to a point
18. Along a curve bearing to the left with a Central Angle of Forty-Degrees Twenty-One Minutes Thirty-Eight Seconds ($40^{\circ}21'38''$) and Arc Length of Eighty-Eight and Five hundreds of a foot (88.05') and a Radius of One Hundred and Twenty-Five and Zero hundreds of a foot (125.00') to a point.
19. South Thirty-One Degrees Fifty-Seven Minutes Forty-Nine Seconds East ($S31^{\circ}57'49''E$) a distance of Two and Ninety-Three hundreds of a foot (2.93') to a point.

20. Along a curve bearing to the left with a Central Angle of Ninety-Six Degrees Thirty Minutes Thirty Seconds ($96^{\circ}30'30''$) an Arc Length of Thirty-Three and Sixty-Nine hundreds of a foot (33.69') and a Radius of Twenty and Zero hundreds of a foot (20.00') to a point.

21. South Fifty-One Degrees Thirty-One Minutes and Forty-One Seconds West ($S51^{\circ}31'41''W$) a distance of Ninety and Fifty-Eight hundreds of a foot (90.58') to a point said **POINT OF BEGINNING.**

Containing 34,496.25 Square Feet of Land

Being part of the same property that Ersilip Stipa and Maria Stipa granted and conveyed by deed dated 5/01/2017 and recorded in instrument# 2017015804 unto LSE Properties LLC.