

WEST CALN TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA
ORDINANCE NO ____ OF 2021



AN ORDINANCE OF WEST CALN TOWNSHIP, CHESTER COUNTY VACATING AN VARIABLE WIDTH STRIP OF RIGHT-OF-WAY KNOWN AS NEAL ROAD (PUBLIC ROAD L.R. T409) FROM A POINT APPROXIMATELY 556 LINEAR FEET FROM THE INTERSECTION OF RESERVOIR ROAD EXTENDING WEST TO A CERTAIN TRIBUTARY (TRIBUTARY NO. 208 TO ROCK RUN) FOR A DISTANCE OF APPROXIMATELY .46 MILES THROUGH LANDS OWNED PRIMARILY BY FRANKLIN W. NEAL.

WHEREAS, the Township has advertised a public hearing with respect to vacating a variable width strip of public right-of-way known as Neal Road from a point approximately 556 linear feet the intersection of Reservoir Road extending west to a certain tributary (Tributary No. 208 to Rock Run) for a distance of approximately .46 miles (the "ROW to be Vacated"), as more fully described in the plan entitled "Plan of Road Vacation for a Portion of Neal Road" dated 4/15/2021 and attached hereto as Exhibit "A" and incorporated herein (the "Neal Road Vacating Plan"),

WHEREAS, a substantial portion of the ROW to be Vacated traverses across lands owned by Franklin W. Neal and such lands are identified as Tax Parcel No. 28-9-1 and Tax Parcel No. 28-9-94 located in West Caln Township,

WHEREAS, a portion of the ROW to be Vacated also abuts or is in close proximity to lands identified Tax Parcel No. 28-9-94.1, Tax Parcel No. 28-9-94.2, Tax Parcel No. 28-9-95, 28-9-95.1, Tax Parcel No. 28-9-10 and Tax Parcel 28-9-2,

WHEREAS, Property Owner Franklin W. Neal is supportive of the vacating of the ROW to be Vacated and will be maintaining the ROW to be Vacated as a private driveway, including maintenance of any bridges located on the ROW to be Vacated, subject to any reversionary rights as described on the Neal Road Vacating Plan,

WHEREAS, it is the intent of this road vacation that Property Owner Franklin W. Neal, as well as the Property Owners of Tax Parcel Nos 28-9-94.1 and Tax Parcel No. 28-9-95.1, will retain an access easement along the small segments of the ROW to be Vacated that are reverting back to Tax Parcel No. 28-9-94.1 and Tax Parcel 28-9-95.1 so that all parties can access the most eastern portion of Neal Road remaining as a public road which ultimately connects with Reservoir Road,

WHEREAS, over the past two years, the Township has sent correspondence to nearby property owners regarding the potential for the vacating of a portion of Neal Road and discussed the vacating of Neal Road at various public Board of Supervisors meetings,

WHEREAS, the Township has provided the required written notice of the ordinance hearing to vacate of a portion of Neal Road to property owners directly affected by the ROW to be Vacated, including Franklin W. Neal, as well as other nearby property owners,

WHEREAS, the public, including such affected parties by the ROW to be Vacated, were given the opportunity to be heard at such hearing, and

WHEREAS, the Township desires to vacate the ROW to be Vacated within the Township of West Caln and such vacated rights-of-way shall revert to the properties in the manner and as described in the notes contained on Neal Road Vacating Plan attached hereto.

NOW THEREFORE, the Board of Supervisors of the Township of West Caln, County of Chester, Commonwealth of Pennsylvania, (the "Board") hereby enacts and ordains as follows:

SECTION 1. The above background section and WHEREAS clauses are hereby incorporated herein by reference.

SECTION 2. The Board determines that vacating the ROW to be Vacated, as more fully described in the attached Neal Road Vacating Plan, is necessary for the public convenience and the safety of the Township and its residents.

SECTION 3. The Board vacates the ROW to be Vacated, as more fully described in the attached Neal Road Vacating Plan, effective as provided by law, including the reversion of rights-of-way to the properties as fully described in the notes included on the Neal Road Vacating Plan.

SECTION 4. The Township Secretary or his designee, with the advice of the Township Solicitor, is hereby authorized to take such action as is necessary in order to effect the intent and purpose of this Ordinance, including, if deemed necessary following enactment of this Ordinance, the posting of notices or signs in conspicuous places along the boundaries of the ROW to be Vacated, as more fully described in the Neal Road Vacating Plan attached hereto, providing additional notice that this Ordinance has been enacted and that the ROW to be Vacated has been vacated and that the ROW is no longer a public road.

SECTION 5. Severability. If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts hereof. It is hereby declared as the intent of the Board of Supervisors of West Caln Township that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

SECTION 6. Repealer. All Ordinances or parts of Ordinances conflicting with any provision of this Ordinance are hereby repealed insofar as the same affects this Ordinance.

SECTION 7. Effective Date. This Ordinance shall become effective five days after enactment as provided by law.

ENACTED AND ORDAINED THIS ____ day of _____, 2021.

ATTEST:

**WEST CALN TOWNSHIP
BOARD OF SUPERVISORS**

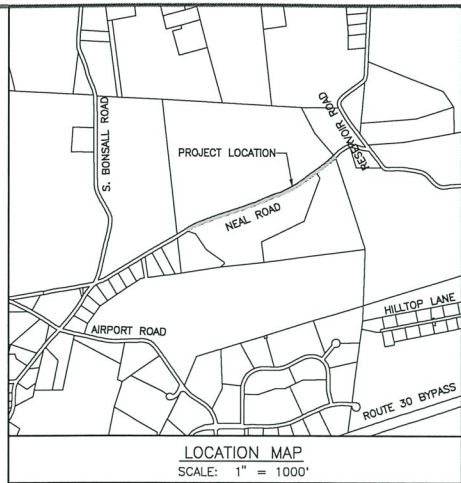
Thomas Siedenbuehl
Township Manager & Secretary

Allen R. Martin, Chairman

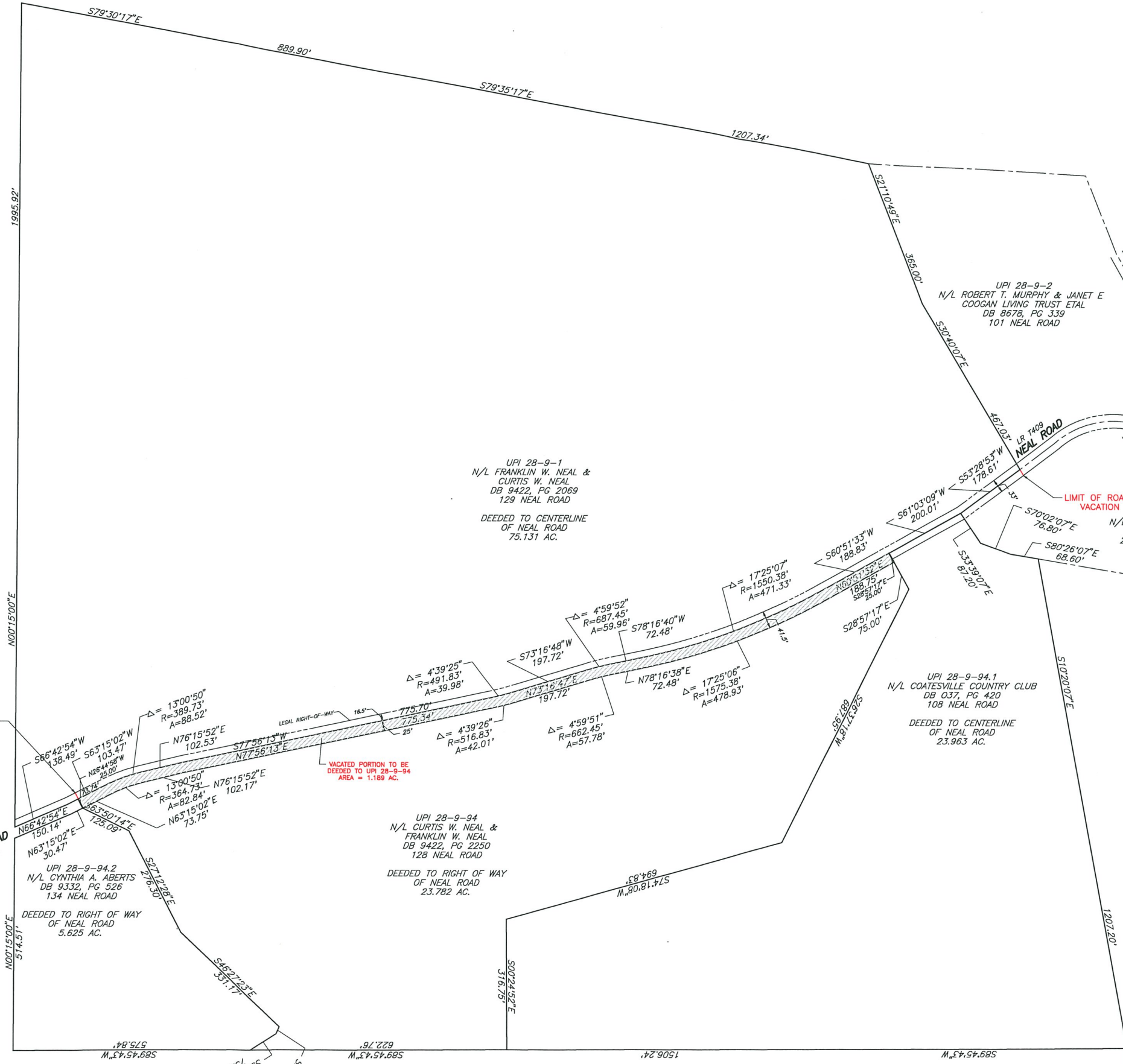
Donald W. Martz, Vice Chairman

Joseph G. Hutton, Member

Exhibit A

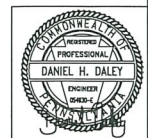


UPI 28-8-35
N/L BRANDYWINE VALLEY ASSOC.
DB 3932, PG 1383
230 S. BONSALL ROAD



GENERAL NOTES

1. THE PURPOSE OF THIS PLAN IS TO DEPICT THE PROPOSED LIMITS OF THE RIGHT-OF-WAY ALONG NEAL ROAD IN WHICH WEST CALN TOWNSHIP IS PROPOSING TO VACATE.
2. THE BOUNDARY INFORMATION IS TAKEN FROM SUBMISSION PLANS AND DEEDS OF RECORD, E.B. WALSH & ASSOCIATES, INC. HAS NOT COMPLETED ANY SURVEY FIELD WORK ASSOCIATED WITH THIS PLAN.
3. SURVEY PLAN WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT. UTILITY COMPANIES MAY HAVE PRIVATE RIGHTS TO PORTIONS OF NEAL ROAD IN AREAS WHERE THE TOWNSHIP PROPOSES TO VACATE. THE VACATION BY WEST CALN TOWNSHIP DOES NOT ALTER THE UTILITY COMPANIES RIGHTS, AS APPLICABLE.
4. PROPERTY NOTES:
 - UPI 28-9-1 (N/L FRANKLIN W. NEAL & CURTIS W. NEAL): THE EXISTING TITLE LINE OF UPI 28-9-1 (NORTH SIDE OF NEAL ROAD) IS THE CENTER OF NEAL ROAD. THE TOWNSHIP IS PROPOSING TO EXTINGUISH THEIR RIGHTS TO NEAL ROAD ON THIS PROPERTY. THE OWNERSHIP OF THIS PORTION OF NEAL ROAD WILL REMAIN WITH THE OWNERS OF UPI 28-9-1.
 - UPI 28-9-94 (N/L CURTIS W. NEAL & FRANKLIN W. NEAL): THE EXISTING TITLE LINE OF UPI 28-9-94 (SOUTH SIDE OF NEAL ROAD) IS THE RIGHT-OF-WAY OF NEAL ROAD. THE TOWNSHIP IS PROPOSING TO EXTINGUISH THEIR RIGHTS TO NEAL ROAD ADJACENT TO THIS PROPERTY AND WILL CONVEY THE PORTION OF RIGHT-OF-WAY FROM THE CENTERLINE OF THE RIGHT-OF-WAY TO THE SOUTHERN RIGHT-OF-WAY TO THE OWNER OF UPI 28-9-94.
 - UPI 28-9-94.1 (N/L COATESVILLE COUNTRY CLUB): THE EXISTING TITLE LINE OF UPI 28-9-94.1 (SOUTH SIDE OF NEAL ROAD) IS THE CENTER OF NEAL ROAD. THE TOWNSHIP IS PROPOSING TO EXTINGUISH THEIR RIGHTS TO NEAL ROAD ON THIS PROPERTY. THE OWNERSHIP OF THIS PORTION OF NEAL ROAD WILL REMAIN WITH THE OWNERS OF UPI 28-9-94.1.
 - UPI 28-9-95.1 (N/L PA AMERICAN WATER CO.): THE EXISTING TITLE LINE OF UPI 28-9-95.1 (SOUTH SIDE OF NEAL ROAD AT INTERSECTION OF RESERVOIR ROAD) IS THE CENTER OF NEAL ROAD. THE TOWNSHIP IS PROPOSING TO EXTINGUISH A PORTION OF THEIR RIGHTS TO ALONG NEAL ROAD ON THIS PROPERTY. THE OWNERSHIP OF THIS PORTION OF NEAL ROAD WILL REMAIN WITH THE OWNERS OF UPI 28-9-95.1.



| | |
|--|---------------------|
| 1. 04/15/21: REVISED TO UPDATE GENERAL NOTES | |
| PLAN OF ROAD VACATION FOR PORTION OF NEAL ROAD | |
| WEST CALN TOWNSHIP | CHESTER COUNTY, PA. |
| Edward B. Walsh & Associates, Inc. | |
| CIVIL ENGINEERS & SURVEYORS | |
| Whitefield Business Park 855 Springdale Drive, Suite 202 Exton, Pennsylvania 19341 Phone: 610-903-0050 Fax: 610-903-0080 | |
| Project-4100-115 | Date- 04/09/21 |
| Scale- 1"= 100' | Drawn- CE |
| Checked- DHD | Sheet- 1 OF 1 |
| Plotted: 4/15/2021 File: F:\JB\4100-115\4100-115-S.dwg | |