

**BOROUGH OF CLARKS SUMMIT
ORDINANCE NO. 2017-03**

AN ORDINANCE OF THE BOROUGH OF CLARKS SUMMIT DEDICATING AS PUBLIC HIGHWAYS AND ADOPTING AS BOROUGH STREETS PORTIONS OF STONERIDGE CIRCLE AND HEDGEROW RUN IN THE FIELDSTONE ESTATES SUBDIVISION CONTAINING APPROXIMATELY 1.8438 ACRES AND 2,450 LINEAL FEET.

By the powers granted to the Borough of Clarks Summit (“the Borough”) by the Pennsylvania Borough Code, 53 P.S. 45101 et seq., including the power to make and adopt all such ordinances as may be expedient or necessary for the proper management, care and control of the Borough and its finances; and for the maintenance of the peace, good government, safety and welfare of the Borough and its trade, commerce and manufactures; the Borough HEREBY ENACTS the within ordinance.

SECTION I.

This Ordinance shall be known as “Ordinance No. 2017-03.”

SECTION II.

WHEREAS, on or about 1994, Richard C. Florey and Deann J. Florey, his wife, of Clarks Summit, Pennsylvania (“the Floreys”) created a residential subdivision within the Borough known as “Fieldstone Estates Subdivision” wherein they constructed numerous single-family houses and townhouses.

WHEREAS, on or about 1994, upon completion of the roads within Fieldstone Estates Subdivision, specifically portions of Stoneridge Circle and Hedgerow Run (“the roads”), the Floreys executed a Deed of Dedication granting the roads to the Borough and delivered said deed to the Borough.

WHEREAS, the above-mentioned Deed of Dedication was misplaced before acceptance by the Borough and before filing same to the public record.

WHEREAS, on May 25, 2017, the Floreys executed a replacement Deed of Dedication granting the roads to the Borough (“the Deed”).

WHEREAS, a copy of the Deed containing a description, metes and bounds, of the roads is attached hereto and incorporated herein in its entirety.

WHEREAS, the Deed transfers the roads to the Borough and as such is exempt from Pennsylvania transfer tax.

WHEREAS, the roads have a minimum right of way and cartway of at least 16 feet.

WHEREAS, the roads are capable of being safely driven at 15 miles per hour.

WHEREAS, the roads both are dead-end streets of at least 250 feet in length and have cul-de-sacs having a radius of at least 40 feet on the street.

WHEREAS, the roads are accessible from existing public streets and roadways.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Borough Council of the Borough that the Deed is accepted by the Borough, that the roads are dedicated as public highways and that the roads are adopted as public streets.

SECTION III.

The Borough hereby dedicates the roads as public highways and adopts the roads as public streets.

SECTION IV.

All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

SECTION V.

If any sentence, clause, section, or part of this ordinance is for any reason found to be unconstitutional, illegal or invalid, then such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this ordinance.

SECTION VI.

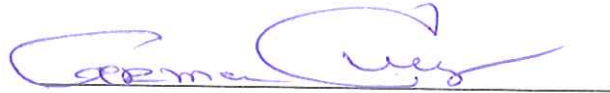
This ordinance shall become effective immediately upon adoption.

ORDAINED AND ENACTED THIS 2nd day August. 2017.

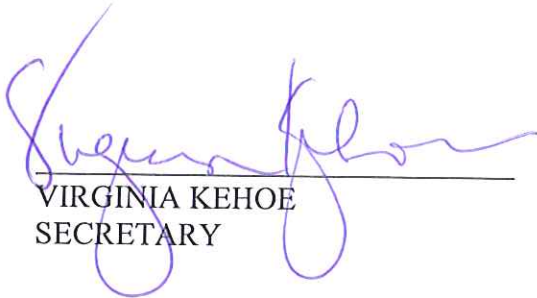
ATTEST:

BOROUGH COUNCIL
BOROUGH OF CLARKS SUMMIT

BY:



GERMAINE A. CAREY
PRESIDENT, BOROUGH COUNCIL



VIRGINIA KEHOE
SECRETARY

Approved this 2nd day August. 2017.

MAYOR, BOROUGH OF CLARKS SUMMIT:



HERMAN JOHNSON

Deed of Dedication

This Deed is made on the 25th day of May Two Thousand Seventeen (2017),

Between **RICHARD C. FLOREY** and **DEANN J. FLOREY**, his wife, of Clarks Summit, Pennsylvania, hereinafter "GRANTORS,"

AND

BOROUGH OF CLARKS SUMMIT, a municipal corporation with its office and principal place of business located at 304 South State Street, Clarks Summit, Pennsylvania, hereinafter "GRANTEE,"

Witness that in consideration of One (\$1.00) Dollar and other good and valuable consideration, receipt of which is hereby acknowledged, Grantor hereby grants and conveys to Grantee, their heirs and assigns,

An easement in perpetuity in all that certain parcel of land lying and situate in the Borough of Clarks Summit, County of Lackawanna and Commonwealth of Pennsylvania, more specifically herein described as follows:

Beginning at a point common to lands of the southwesterly side of S.R. #307 and to lands of the northwesterly side of Stoneridge Circle in the Fieldstone Estates Subdivision; thence along the southwesterly side of S.R. #307 along the arc of a curve to the right having a radius of Two Thousand Three Hundred Sixty-Five and Seventeen hundredths (2,365.17') feet for a curved distance of One Hundred Sixty-Five and Forty-Eight hundredths (165.48') feet and a chord of South Thirty-One degrees Eighteen minutes One second East (S 31° 18' 01" E) for a distance of One Hundred Sixty-Five and Forty-Five hundredths (165.45') feet to a point; thence along Stoneridge Circle and the arc of a curve to the left having a radius of Fifty (50') feet for a curved distance of Seventy-Two and Fifty-Two hundredths (72.52') feet and a chord of North Seventy degrees Fifty minutes Fifty-Three seconds West (N 70° 50' 53" W) for a distance of Sixty-Six and Thirty-Three hundredths (66.33') feet to a point; thence in a South Sixty-Seven degrees Thirty-Six minutes Zero seconds West (S 67° 36' 00" W) for a distance of One Hundred Fifty-Seven and Forty-Six hundredths (157.46') feet to a point; thence along the arc of a curve to the left having a radius of Twenty-Five (25') feet for a curved distance of Thirty-Two and Two hundredths (32.02') feet and a chord of South Thirty degrees Fifty-Four minutes Thirty-Two seconds West (S 30° 54' 32" W) for a distance of Twenty-Nine and Eighty-Eight hundredths (29.88') feet to a point; thence crossing Hedge Row Run in a South Fifty-Seven degrees Two minutes Fifty-Two seconds West (S 57° 02' 52" W) direction for a distance of Fifty-Six and Twenty hundredths (56.20') feet to a point; thence along Stoneridge Circle and the arc of a curve to the left having a radius of Twenty-Five (25') feet for a curved distance of Forty-Three and Nine hundredths (43.09') feet and a chord of North Fifty-Five degrees Nine minutes Forty seconds West (N 55° 09' 40" W) for a distance of Thirty-Seven and Ninety-Five hundredths (37.95') feet to a point; thence in a South Seventy-Five degrees Twenty-Seven minutes Thirty-Seven seconds West (S 75° 27' 37" W) direction for a distance of Two Hundred Eighty-Eight

and Ninety-Nine hundredths (288.99') feet to a point; thence along the arc of a curve to the right having a radius of Two Hundred Twenty-Five (225') feet for a curved distance of Two Hundred Seventy-Three and Forty-One hundredths (273.41') feet and a chord of North Sixty-Nine degrees Forty-Three minutes Forty-Four seconds West (N 69° 43' 44" W) for a distance of Two Hundred Fifty-Six and Eighty-Nine hundredths (256.89') feet to a point; thence in a North Thirty Four degrees Fifty-Five minutes Five seconds West (N 34° 55' 05" W) direction for a distance of Four Hundred Six and Ninety-Four hundredths (406.94') feet to a point; thence along the arc of curve to the left having a radius of Fifteen (15') feet for a curved distance of Fifteen and Twelve Hundredths (15.12') feet and a chord of North Sixty-Three degrees Forty-Nine minutes Seven seconds West (N 63° 49' 07" W) direction for a distance of Fourteen and Forty-Nine hundredths (14.49') feet to a point; thence along the arc of a cul-de-sac curve to the right having a radius of Sixty (60') feet for a curved distance of Three Hundred Nine and Forty-Nine hundredths (309.49') feet a chord of North Fifty-Five degrees Four minutes Fifty-Five seconds East (N 55° 04' 55" E) for a distance of Sixty-Four (64') feet to a point; thence along Stoneridge Circle and the arc of a curve to the left having a radius of Fifteen (15') feet for a curved distance of Fifteen and Twelve hundredths (15.12') feet and a chord of South Six degrees Two minutes Eleven seconds East (S 06° 02' 11" E) for a distance of Fourteen and Forty-Nine hundredths (14.49') feet to a point; thence in a South Thirty-Four degrees Fifty-Five minutes Five seconds East (S 34° 55' 05" E) direction for a distance of Four Hundred Six and Ninety-Three hundredths (406.93') feet to a point; thence along the arc of a curve to the left having a radius of One Hundred Seventy-Five (175') feet for a curved distance of Two Hundred Twelve and Sixty-Five hundredths (212.65') feet and a chord of South Sixty-Nine degrees Forty-Three minutes Forty-Four seconds East (S 69° 43' 44" E) for a distance of One Hundred Ninety-Nine and Eighty hundredths (199.80') feet to a point; thence in a North Seventy-Five degrees Twenty-Seven minutes Thirty-Seven seconds East (N 75° 27' 37" E) direction for a distance of Two Hundred Sixty-Three and Sixty-Six hundredths (263.66') feet to a point; thence along the arc of a curve to the left having a radius of Twenty-Five (25') feet for a curved distance of Fifty-One and Seventy hundredths (51.70') feet and a chord of North Sixteen degrees Thirteen minutes Eight seconds East (N 16° 13' 08" E) for a distance of Forty-Two and Ninety-Seven hundredths (42.97') feet to a point; thence crossing Hedge Row Run in a North Eighty-One degrees Five minutes Thirty seconds East (N 81° 05' 30" E) direction for a distance of Sixty and Thirty-Nine hundredths (60.39') feet to a point; thence along Stoneridge Circle and the arc of a curve to the left having a radius of Twenty-Five (25') feet for a curved distance of Thirty and Twenty-Seven hundredths (30.27') feet and a chord of South Seventy-Seven degrees Forty-Two minutes Forty seconds East (S 77° 42' 40" E) for a distance of Twenty-Eight and Forty-Six hundredths (28.46') feet to a point; thence in a North Sixty-Seven degrees Thirty-Six minutes Zero seconds East (N 67° 36' 00" E) direction for a distance of One Hundred Forty-One and Fifty hundredths (141.50') feet to a point; thence along the arc of a curve to the left having a radius of Fifty (50') feet for a curved distance of Eighty-Eight and Six hundredths (88.06') feet and a chord of North Seventeen degrees Eight minutes Fifty-One seconds East (N 17° 08' 51" E) for a distance of Seventy-Seven and Eleven hundredths (77.11') feet to the place of beginning.

CONTAINING approximately 80,295.5 square feet or 1.843 acres.

SUBJECT to all covenants, conditions, exceptions, restrictions, reservations, easements and rights-of-way as are contained in deeds forming the chain of title or granted therein.

BEING a part of the same premises conveyed to the Grantors herein by deed dated August 13, 1987 and recorded in Lackawanna County Deed Book 1339 at page 642.

THIS IS A DEED OF DEDICATION FROM HUSBAND AND WIFE TO A MUNICIPAL CORPORATION AND, AS SUCH, IS EXEMPT FROM PENNSYLVANIA TRANSFER TAX.

THIS DOCUMENT MAY NOT SELL, CONVEY, TRANSFER, INCLUDE OR INSURE THE TITLE TO THE COAL AND RIGHT OF SUPPORT UNDERNEATH THE SURFACE LAND DESCRIBED OR REFERRED TO HEREIN, AND THE OWNER OR OWNERS OF SUCH COAL MAY HAVE THE COMPLETE LEGAL RIGHT TO REMOVE ALL OF SUCH COAL AND, IN THAT CONNECTION, DAMAGE MAY RESULT TO THE SURFACE OF THE LAND AND ANY HOUSE, BUILDING OR OTHER STRUCTURE ON OR IN SUCH LAND. THE INCLUSION OF THIS NOTICE DOES NOT ENLARGE, RESTRICT OR MODIFY ANY LEGAL RIGHTS OR ESTATES OTHERWISE CREATED, TRANSFERRED, EXCEPTED OR RESERVED BY THIS INSTRUMENT.

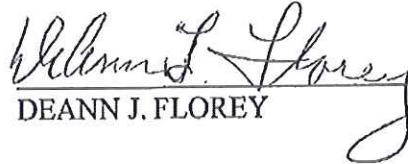
HAZARDOUS WASTE IS NOT BEING DISPOSED OF AND HAS NOT EVER BEEN DISPOSED OF ON THE PROPERTY CONVEYED HEREIN TO THE BEST OF GRANTORS' KNOWLEDGE, INFORMATION AND BELIEF.

AND Grantors hereby warrant generally the property hereby conveyed.

IN WITNESS WHEREOF, Grantors have hereunto set their hands and seals the day and year first above written.



RICHARD C. FLOREY

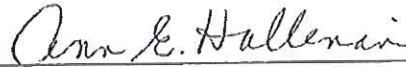
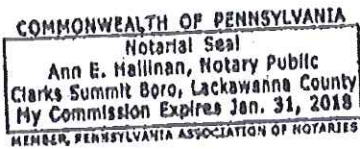


DEANN J. FLOREY

Commonwealth of Pennsylvania :
County of Lackawanna :

On this 25th day of May 2017, before me, the undersigned officer, personally appeared Richard C. Florey and DeAnn J. Florey, his wife, known to me or satisfactorily proven to be the persons whose names are subscribed to the within instrument and acknowledged that they executed same for the purposes therein contained.

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



NOTARY PUBLIC

I hereby certify that the precise address of Grantee is:

Borough of Clarks Summit
304 South State Street
Clarks Summit, PA 18411



PATRICK M. ROGAN, ESQ.
SOLICITOR
BOROUGH OF CLARKS SUMMIT