

ORDINANCE NO. _____

**AN ORDINANCE OF THE BOROUGH OF GETTYSBURG,
ADAMS COUNTY, PENNSYLVANIA, LAYING OUT, OPENING,
ORDAINING AND ACCEPTING FOR DEDICATION OF A PORTION
OR STRIP OF LAND TO BE ADDED TO ZERFING ALLEY EAST
BETWEEN FIFTH STREET AND SIXTH STREET AS OFFERED BY
DEED OF DEDICATION FROM THE AMERICAN LEGION CLUB OF
GETTYSBURG.**

WHEREAS, by Ordinance No. 842-71, enacted, adopted and ordained on May 10, 1971, the Borough Council of the Borough of Gettysburg, Adams County, Pennsylvania, laid out, opened and ordained for public use a twelve (12') foot wide alley extending in an easterly direction from Fourth Street to Sixth Street. Said alley was thereafter placed on the general plan of ordained streets and alleys in the Borough of Gettysburg and was opened for the use of the traveling public and has continued to be used for such purpose since its opening; and

WHEREAS, by Ordinance No. 945-78, enacted, adopted and ordained on October 9, 1978, the Borough Council of the Borough of Gettysburg provided for the naming of alleys, which included the name "Zerfing Alley East" for the alley paralleling York Street and Hanover Street beginning at Baltimore Street and terminating at South Sixth Street; and

WHEREAS, the American Legion Club of Gettysburg has offered for dedication to the Borough of Gettysburg for the public use a six (6') foot wide uniform portion or strip of land to be added to Zerfing Alley East for purposes of widening the same between Fifth Street and Sixth Street. Said portion or strip of land is identified on a Plan Showing Property to be Conveyed Through Lands of Gettysburg American Legion, Widening of Zerfing Alley, dated February 17, 2015 and prepared by C.S. Davidson, Inc., the engineers of the Borough of Gettysburg. Said Plan is attached hereto as Exhibit "A" and is incorporated herein by reference; and

WHEREAS, consistent with the Borough Code at 8 Pa. C.S.A. § 1721.1, a borough may, with or without petition of abutting property owners, lay out, open, widen, straighten, alter, extend and improve, and may establish and reestablish the grades of, and keep in order and repair and in safe passable condition, a street (or alley) or a portion of a street (or alley) within the borough limits if deemed expedient for the public good and may provide for the costs of alteration; and

WHEREAS, consistent with the Borough Code at 8 Pa. C.S.A. § 1721.2(b), a borough may, by ordinance, lay out an area for future opening as a public street (or alley); and

WHEREAS, consistent with the Borough Code at 8 Pa. C.S. § 1731, a borough may, by ordinance, open a street or portion of a street (or alley) previously laid out or



simultaneously to lay out and open a street (or alley) or portion thereof as a public street (or alley) of the borough; and

WHEREAS, consistent with the Borough Code at 8 Pa. C.S. § 1734, a borough may, by ordinance, accept an opened street (or alley) not previously dedicated to or laid out by the borough, and the effect of the acceptance shall be the same as of opening the street (or alley); and

WHEREAS, the Borough Council of the Borough of Gettysburg, by accepting for dedication a portion or strip of land not previously dedicated or laid out by the Borough of Gettysburg for the purposes of widening the previously laid out, opened and ordained Zerfing Alley East between Fifth Street and Sixth Street, said portion or strip of land is intended to be laid out, opened and dedicated to public use as part of said alley; and

WHEREAS, it is the determination of the Borough Council of the Borough of Gettysburg that it is in the public good and in the best interests of the traveling public that Zerfing Alley East be widened by adding the portion or strip of land to said alley to become a part of the same as part of the system of public streets and alleys of the Borough of Gettysburg.

NOW, THEREFORE, the Borough Council of the Borough of Gettysburg, Adams County, Pennsylvania, hereby enacts, adopts, and ordains the following:

SECTION 1: The Borough Council of the Borough of Gettysburg lays out, opens, ordains and accepts that certain portion or strip of land offered for dedication by the American Legion Club of Gettysburg, which is hereby added to Zerfing Alley East as part of said alley and as a part of the system of public streets and alleys of the Borough of Gettysburg. Said portion or strip of land is shown on a "Plan Showing Property to be Conveyed Through Lands of Gettysburg American Legion, Widening of Zerfing Alley," dated February 17, 2015 and prepared by C.S. Davidson, Inc., Borough Engineers, which Plan is attached hereto as Exhibit "A" and is incorporated herein by reference. Said portion or strip of land to be added to Zerfing Alley East is more particularly bounded and described as follows:

BEGINNING at a point along Fifth Street and along E. Zerfing Alley, as shown on the hereinafter identified Plan; thence continuing along E. Zerfing Alley, South 87 degrees 10 minutes 24 seconds East, 335.58 feet to a point along Sixth Street; thence along Sixth Street, South 02 degrees 49 minutes 36 seconds West, 6.00 feet to a point along lands of American Legion Club of Gettysburg; thence along said lands of American Legion Club of Gettysburg, North 87 degrees 10 minutes 24 seconds West, 335.58 feet to a point along Fifth Street; thence along Fifth Street, North 02 degrees 49 minutes 36 seconds East, 6.00 feet to a point along Fifth Street and along E. Zerfing Alley, the point and place of **BEGINNING**.

SECTION 2: Zerfing Alley East, as widened, shall be placed on the plot or plan of ordained public streets and alleys of the Borough of Gettysburg once the same has been opened by the Borough of Gettysburg for the purpose of making the same usable to the traveling public.

SECTION 3: The owners of any real property abutting Zerfing Alley East as widened between Fifth Street and Sixth Street are identified on a list which is attached hereto as Exhibit "B" and is incorporated herein by reference. Said owners have been notified of the intention of the Borough Council of the Borough of Gettysburg to enact this ordinance and have been provided with a true and correct copy of this ordinance.

SECTION 4: The Borough Council of the Borough of Gettysburg hereby accepts dedication of the portion or strip of land for the use of the traveling public and said area shall become part of the public street system of the Borough of Gettysburg by being added to Zerfing Alley East between Fifth Street and Sixth Street once the same has been opened by the Borough of Gettysburg for the purpose of making the same usable to the traveling public.

SECTION 5: The Borough Council of the Borough of Gettysburg hereby approves and accepts delivery of the Deed of Dedication executed and delivered by the American Legion Club of Gettysburg. A true and correct copy of the form of Deed of Dedication is attached hereto as Exhibit "C" and is incorporated herein by reference.

SECTION 6: The Borough Council of the Borough of Gettysburg shall cause the Deed of Dedication to be placed of record and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania.

SECTION 7: All ordinances or parts of ordinances or resolutions inconsistent herewith, to include but not limited to Section 1., No. 2 of Ordinance No. 842-1 enacted and ordained by the Borough Council of the Borough of Gettysburg on May 10, 1971 which originally ordained, established, laid out and opened the portion of the alley between Fifth Street and Sixth Street as a public alley, are hereby repealed only to the extent of such conflict.

SECTION 8: This ordinance shall be effective upon enactment.

THIS ORDINANCE DULY ENACTED, ADOPTED AND ORDAINED according to law on this 13th day of July, 2015, at a duly advertised general monthly business meeting of the Borough Council of the Borough of Gettysburg, Adams County, Pennsylvania.

BOROUGH OF GETTYSBURG

By: _____
Michael J. Birkner
President of Borough Council

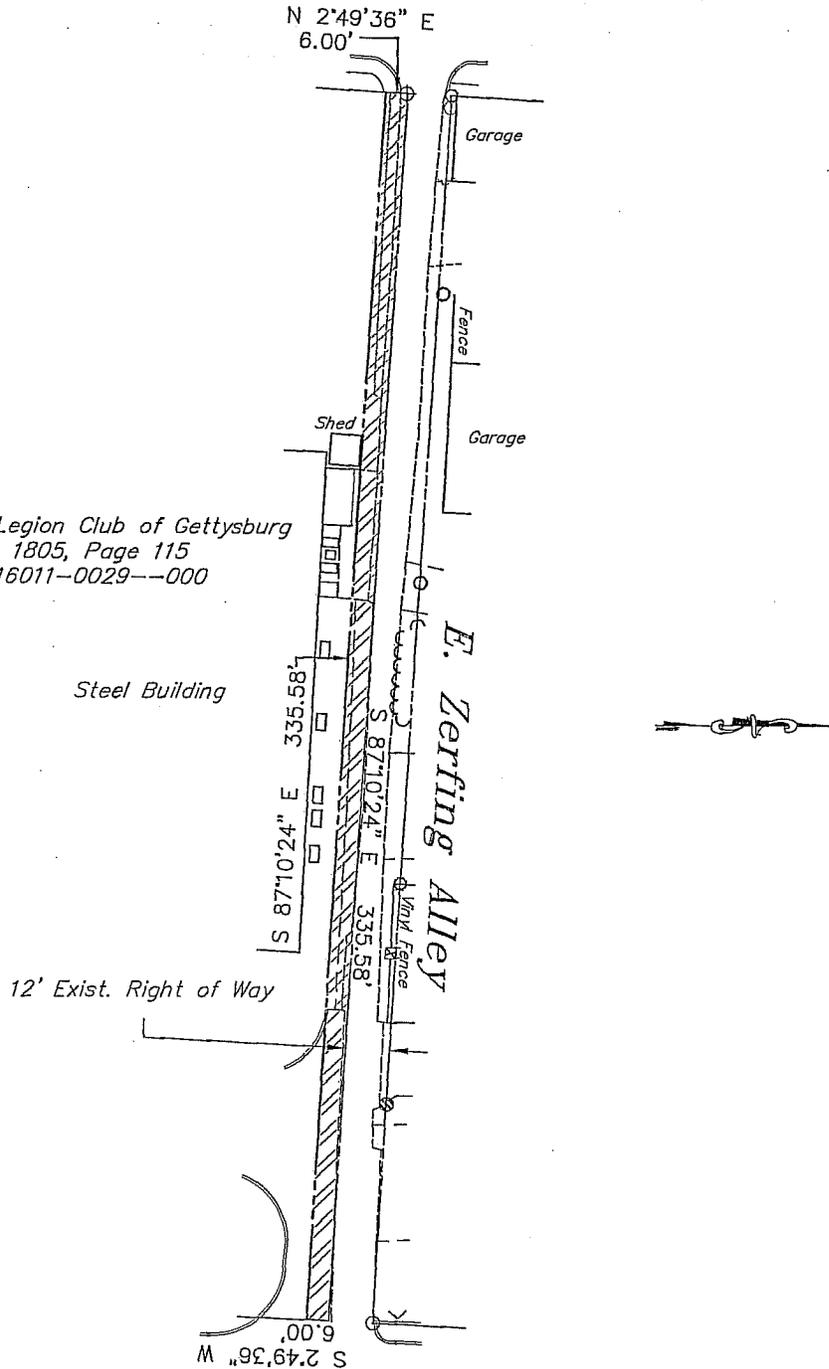
Attest:

Sara L. Stull, Secretary

APPROVED this ____ day of July, 2015.

By: _____
William E. Troxell, Mayor

Fifth Street



American Legion Club of Gettysburg
Deed Book 1805, Page 115
Parcel ID 16011-0029--000

NOTES:

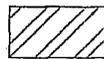
PARCEL ID 16011-0029--000

NO COMPLETE PERIMETER SURVEY WAS PERFORMED BY C. S. DAVIDSON, INC.

BEARINGS BASED ON MAGNETIC NORTH AND DISTANCES SHOWN ARE FROM FIELD SURVEY.

Sixth Street

LEGEND



LAND TO BE CONVEYED TO BOROUGH

| | |
|------------|-----------------|
| DRAWN BY | E.B.G. |
| CHECKED BY | |
| SCALE | 1" = 40' |
| DATE | 02/17/15 |
| FILE NO. | 2383.2.31.00 |
| SHEET | 1 OF 1 |
| DWG. NO. | 238323100_FIELD |

C.S. Davidson Inc.
Excellence in Civil Engineering
38 NORTH DUKE STREET, YORK, PA • PHONE (717) 846-4805 • FAX (717) 846-5811 •
50 WEST MOBLE STREET, GETTYSBURG, PA • PHONE (717) 337-3021 • FAX (717) 337-8782
315 WEST JAMES STREET, STATE COLLEGE, PA • PHONE (717) 481-2591 • FAX (717) 481-6590
WWW.CSDAVIDSON.COM

BOROUGH OF GETTYSBURG
PLAN SHOWING PROPERTY TO BE CONVEYED
THROUGH LANDS OF
GETTYSBURG AMERICAN LEGION
GETTYSBURG BOROUGH ADAMS COUNTY, PENNSYLVANIA
WIDENING OF ZERFING ALLEY

**Abutting Property Owners
Widening of Zerfing Alley East**

American Legion Club of Gettysburg
c/o Kenneth Wetzal, Jr., President
528 East Middle Street
P.O. Box 3386
Gettysburg, PA 17325
Map 11, parcel 29

JME II, LLC
(301 Hanover Street)
121 Sibert Road
Gettysburg, PA 17325
Map 8, parcel 163

Eric H. Crump
Katherine R. Narveson
305 Hanover Street
Gettysburg, PA 17325
Map 8, parcel 164

John A. Collins
325 Hanover Street
Gettysburg, PA 17325
Map 8, parcel 165

Dale L. & Joan E. Koontz
(327 Hanover Road)
15 Brethren Court
Gettysburg, PA 17325
Map 8, parcel 166

G. Radcliffe Schultz, Jr.
(329 Hanover Street)
993 Sunset Avenue
Gettysburg, PA 17325
Map 8, parcel 168

DEED OF DEDICATION

MADE this _____ day of _____, in the year Two Thousand and Fifteen (2015).

BETWEEN THE **AMERICAN LEGION CLUB OF GETTYSBURG**, a Pennsylvania nonprofit corporation, with its principal office located at 528 East Middle Street, Gettysburg, Pennsylvania 17325, Grantor

- A N D -

THE **BOROUGH OF GETTYSBURG**, a municipal corporation organized and existing under and by virtue of the laws of the Commonwealth of Pennsylvania, with its principal municipal office located at 59 East High Street, Gettysburg, Adams County, Pennsylvania, Grantee.

WITNESSETH, that in consideration of the sum of One (\$1.00) Dollar, in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, the said Grantor does hereby dedicate for public use and does hereby grant and convey unto the said Grantee, its successors and assigns, all that portion or strip of land, as shown and identified on the Plan attached hereto, situate in the Borough of Gettysburg, Adams County, Pennsylvania, more particularly bounded and described as follows:

BEGINNING at a point along Fifth Street and along E. Zerfing Alley, as shown on the hereinafter identified Plan; thence continuing along E. Zerfing Alley, South 87 degrees 10 minutes 24 seconds East, 335.58 feet to a point along Sixth Street; thence along Sixth Street, South 02 degrees 49 minutes 36 seconds West, 6.00 feet to a point along lands of American Legion Club of Gettysburg; thence along said lands of American Legion Club of Gettysburg, North 87 degrees 10 minutes 24 seconds West, 335.58 feet to a point along Fifth Street; thence along Fifth Street, North 02 degrees 49 minutes 36 seconds East, 6.00 feet to a point along Fifth Street and along E. Zerfing Alley, the point and place of **BEGINNING**.

The above description was taken from a "Plan Showing Property to be Conveyed through Lands of Gettysburg American Legion, Widening of Zerfing Alley," dated February 17, 2015 and prepared by C.S. Davidson, Inc. A copy of said Plan is attached hereto as Exhibit "A" and is incorporated herein by reference.

Exhibit "C"

BEING PART OF that which James E. Williams, unmarried, and David G. Williams and Donna M. Williams, his wife, by deed dated April 8, 1999 and recorded on that same date in the Office of the Recorder of Deeds of Adams County, Pennsylvania in Record Book 1805 at page 115, granted and conveyed unto the American Legion Club of Gettysburg, the Grantor herein.

TO HAVE AND TO HOLD the above-described portion or strip of land unto the said Grantee, to and for the proper use and benefit of the said Grantee, its successors and assigns forever, as and for the public use of the widening and the travel over the same as a part of previously laid out and opened public alley known as Zerfing Alley East and for the maintenance of the same and for no other use or purpose whatsoever and to the same extent and with the same effect as if said portion or strip of land had been opened by a Decree of the Court of Common Pleas of Adams County, Pennsylvania, after proceedings duly had for that purpose under and in pursuance of the road laws of the Commonwealth of Pennsylvania and the street laws of the Borough Code of the Commonwealth of Pennsylvania.

AND the said Grantor, for itself and its successors and assigns, by these presents covenants, promises and agrees to and with the said Grantee, its successors and assigns, that the said Grantor, its successors and assigns, shall or will not at any time hereafter ask, demand or receive of or from the Grantee, its successors or assigns, any sum or sums of money as and for damages for or by reason of the dedication and conveyancing of the above-described portion or strip of land for the public use and purpose of the widening and the travel over the same as part of the Grantee's system of public streets and alleys, as aforesaid.

IN WITNESS WHEREOF, the Grantor has executed this Deed of Dedication the day and year first above written.

AMERICAN LEGION CLUB OF GETTYSBURG

By: _____
Kenneth Wetzel
President

ATTEST:

Oscar Colon
Secretary

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF ADAMS

On this, the _____ day of _____, 2015, before me, a Notary Public, in and for the Commonwealth of Pennsylvania, the undersigned officer, personally appeared Kenneth Wetzel who acknowledged himself to be the President of American Legion Club of Gettysburg and that he as such officer, being authorized to do so, executed the foregoing instrument for the purposes therein contained by signing the name of American Legion Club of Gettysburg by himself as President.

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

Notary Public

My commission expires:

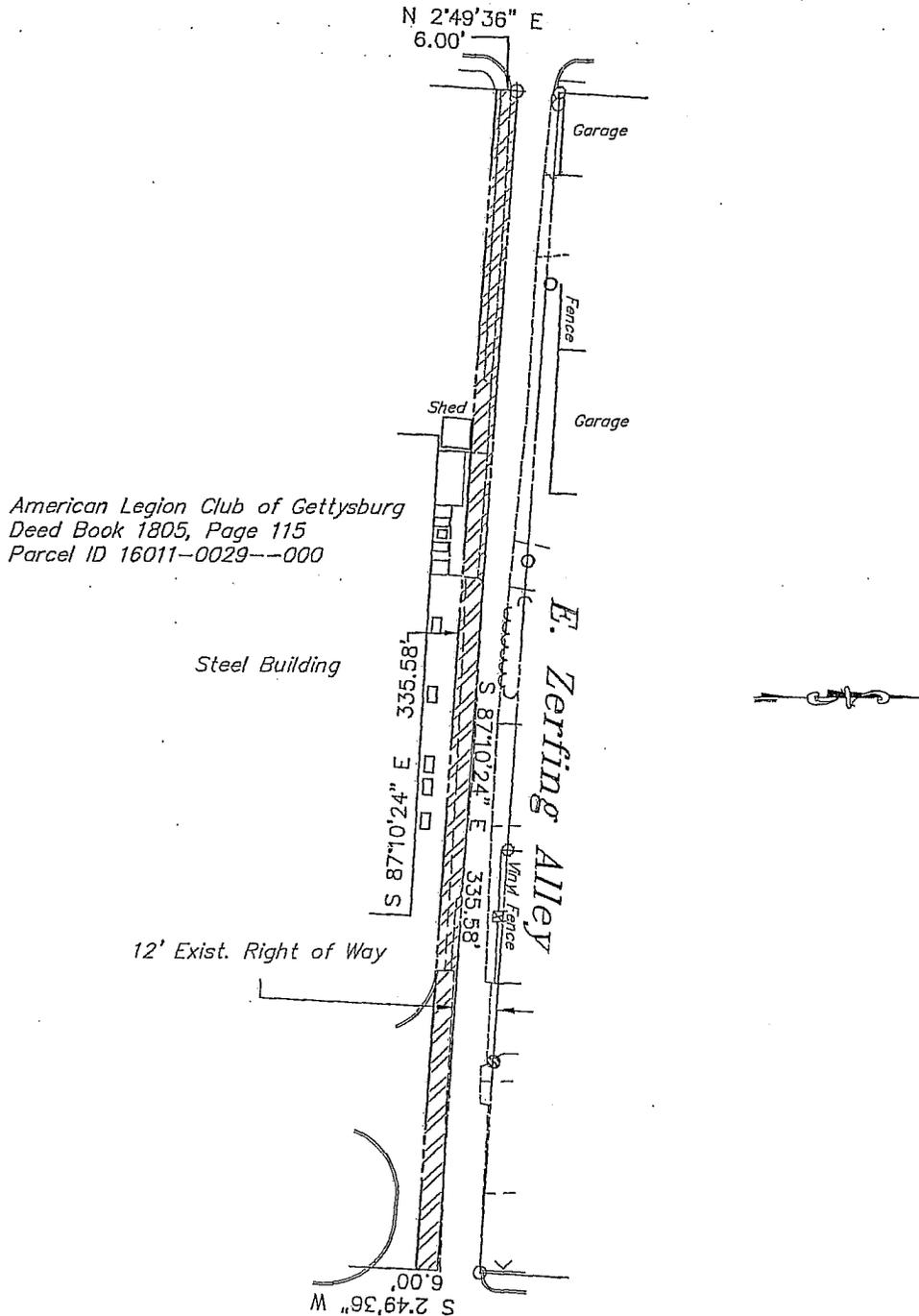
CERTIFICATE OF RESIDENCE

I do hereby certify that the precise residence and complete post office address of the within named Grantee is 59 East High Street, Gettysburg, PA 17325.

Solicitor for Grantee

Date: _____, 2015

Fifth Street

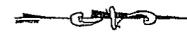


American Legion Club of Gettysburg
Deed Book 1805, Page 115
Parcel ID 16011-0029--000

Steel Building

E. Zerfing Alley

12' Exist. Right of Way



NOTES:

PARCEL ID 16011-0029--000

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Sixth Street

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50 WEST MIDDLE STREET, GETTYSBURG, PA • PHONE (717) 337-2021 • FAX (717) 337-0782
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BOROUGH OF GETTYSBURG

PLAN SHOWING PROPERTY TO BE CONVEYED THROUGH LANDS OF
GETTYSBURG AMERICAN LEGION
GETTYSBURG BOROUGH ADAMS COUNTY, PENNSYLVANIA

WIDENING OF ZERFING ALLEY