

AN ORDINANCE OF THE BOROUGH OF GREENCASTLE, FRANKLIN COUNTY, PENNSYLVANIA, VACATING A PORTION OF FINDLAY STREET IN THE BOROUGH OF GREENCASTLE, FROM ITS INTERSECTION WITH BALTIMORE STREET (ROUTE 16) TO PINE LANE.

(Ordinance 2006-05)

WHEREAS, on January 3, 2006, Timber Development Corp., acting on behalf of Timber Greencastle Properties, L.P., received land development approval from the Borough of Greencastle to proceed to combine, *inter alia*, two parcels of property intersected by a portion of the Borough's public street known as "Findlay Street" conditioned upon, *inter alia*, the Borough vacating that portion of Findlay Street abutting the two subject parcels between the intersection with West Baltimore Street (Pennsylvania Route 16) in a northerly direction to Pine Lane.

WHEREAS, with the elimination of the portion of Findlay Street bisecting the two subject parcels beginning at the intersection with West Baltimore Street (Pennsylvania Route 16) and traveling northerly to its intersection with Pine Lane, Findlay Street will no longer be a public street open to through traffic over the subject parcels; and

WHEREAS, the Borough has deemed it in the best interest of owners of property adjacent to the designated portion of Findlay Street, the Borough's citizens and the general public that the Borough vacate a portion of Findlay Street from its intersection with West Baltimore Street (Pennsylvania Route 16) to Pine Lane and as more specifically described in the legal description attached hereto and made part hereof by reference as Exhibit "A", and;

WHEREAS, pursuant to Section 1744 of the Pennsylvania Borough Code, 53 P.S. Section 46744 when a street or portion thereof shall have been vacated, all public right in or to such street or portion thereof shall cease, but such vacation shall not affect any private rights acquired by any of the owners of abutting property.

NOW THEREFORE, be it Ordained and Enacted by the Council of the Borough of Greencastle, Franklin County, Pennsylvania, pursuant to the Pennsylvania Borough Code, as amended as follows:

SECTION 1. The above recitals are incorporated herein by reference.

SECTION 2. Pursuant to Section 1741 of the Pennsylvania Borough Code, 53 P.S. §46741, the Borough of Greencastle vacates a portion of Findlay Street from its intersection with West Baltimore Street (Pennsylvania Route 16) to Pine Lane as more fully described in Exhibit A attached hereto.

SECTION 3. Repealer. All provisions of previous ordinances of the Borough of Greencastle, or parts thereof, which are contrary or inconsistent to this Ordinance are expressly repealed.

SECTION 4. Savings Clause. In all other respects, the Borough of Greencastle map shall remain as previously enacted and ordained.

SECTION 5. Effective Date. This Ordinance shall take effect forty (40) days after its enactment, being April 26, 2006.

ENACTED AND ORDAINED by the Borough Council this 17th day of March, 2006.

ATTEST:

/s/ Kenneth E. Myers
Secretary of Borough Council

/s/ Charles R. Eckstine
President of Borough Council

APPROVED this 17th day of March, 2006.

/s/ Robert E. Eberly
Mayor

"I hereby certify that the above Ordinance was duly adopted on March 17, 2006 at a Regular Meeting of the Mayor and Borough Council, and that the intention to adopt this Ordinance was advertised in The Record Herald, a newspaper of general circulation within the Borough on March 10, 2006, and entered in the Borough Ordinance Book on March 27, 2006".



Kenneth E. Myers, Borough Secretary

EXHIBIT A

ALL THAT CERTAIN tract of land consisting of the right-of-way of Findley Street, situate in the Borough of Greencastle, County of Franklin and Commonwealth of Pennsylvania, as depicted upon the ALTA/ACSM Survey for Timber Greencastle Properties, L.P., prepared by R. Lee Royer & Associates, File 5923-2, dated January 26, 2006, and bearing the seal of R. Lee Royer, Registered Professional Surveyor No. 28856-E as follows:

BEGINNING at an existing iron pin at the northwestern corner of land of Timber Greencastle Properties, L.P. (formerly of Elizabeth J. Shatzer, surviving tenant-by-the-entirety of Clyde E. Shatzer), said existing iron pin being a distance of 37.20 feet on a course of North 79 degrees 49 minutes 09 seconds West from an existing iron pin located on the western right-of-way line of Pennsylvania Route 11 approximately 245 feet North of the northwestern corner of the intersection of the rights-of-way of Pennsylvania Route 11 and Pennsylvania Route 16 and approximately 2 feet South of the southern edge of the cartway of Pine Lane;

Thence along land of Timber Greencastle Properties, L.P. (formerly of Elizabeth J. Shatzer, surviving tenant-by-the-entirety of Clyde E. Shatzer) on a course of South 12 degrees 50 minutes 46 seconds West a distance of 203.31 feet to an existing axle;

Thence along the right-of way of Pennsylvania Route 11 on a course of South 23 degrees 07 minutes 06 seconds West a distance of 49.39 feet to a point;

Thence within the right-of-way of Pennsylvania Route 16 on a course of North 78 degrees 00 minutes 04 seconds West a distance of 10.22 feet to a point;

Thence along land of Timber Greencastle Properties, L.P. (formerly of Donald O. Cisney) on a course of North 12 degrees 05 minutes 12 seconds East a distance of 189.73 feet to an existing iron pin at the corner of land now of Timber Greencastle Properties, L.P.(formerly of Gladys V. Baker);

Thence by land of Timber Greencastle Properties, L.P. (formerly of Gladys V. Baker) on a course of North 12 degrees 10 minutes 22 seconds East a distance of 66.10 feet to a set iron pin;

Thence along the southern right-of-way of Pine Lane on a course of South 67 degrees 37 minutes 00 seconds East a distance of 22.63 feet to an existing iron pin, the place of BEGINNING.

CONTAINING 0.116 acres.

