

**TOWNSHIP OF LOWER MACUNGIE**

Lehigh County, Pennsylvania

**RESOLUTION NO. 2022-08**

(Duly Adopted April 7, 2022)

A RESOLUTION CONFIRMING ACCEPTANCE OF A DEED OF CONFIRMATION FOR A PORTION OF THE RIGHT OF WAY FOR KROCKS COURT WHICH IS ALREADY IN USE AS A RIGHT OF WAY PURSUANT TO THE REQUEST OF THE LEHIGH COUNTY GIS OFFICE AND SHOWN ON THE FINAL APPROVED PLAN AS "EXISTING RIGHT OF WAY, KROCKS COURT"

**WHEREAS**, TimTay Hamilton, LLC (hereinafter, "Applicant") is the owner of three consolidated parcels of property located at 5621 Hamilton Boulevard, Allentown, Pennsylvania 18106, 5591 Hamilton Boulevard, Allentown, Pennsylvania 18106 and 5573 Hamilton Boulevard, Allentown, Pennsylvania 18106, further identified as GIS PIN 547554086045, 547554281969 and 547554392610 (hereinafter the "Site") located at the intersection of S.R. 6222, Hamilton Boulevard and Krocks Court, and bounded to the North by Quince Road (a private road); and

**WHEREAS**, approval was previously granted for Preliminary/Final land development by Resolution 2020-15 for approval of the lot consisting of one mixed use (office and retail) building with up to two restaurant uses (including fast food) and one credit/union bank with drive-thru service. That proposal was a modification of a proposal originally submitted in 2009 by the property owner; and

**WHEREAS**, pursuant to an application for modification of the plans regarding the footprint of the credit/union bank building, the approval was granted by Resolution 2021-04; and

**WHEREAS**, a deed for the consolidation of the parcels as required by the approved Preliminary/Final Land Development plans were submitted to Lehigh County GIS for the assignment of a PIN; and

**WHEREAS**, upon review of the submission, GIS advised Developer that no record existed for the dedication of a certain right of way for Krocks Court which has been used by the public and maintained by the Township prior to the recording; and

**WHEREAS**, the right of way is shown on the Modified Preliminary/Final Land Development Plans "5621, 5591, 5573 Hamilton Blvd" prepared by Newton Engineering Group PC, ("Newton Engineers") dated April 15, 2009, last revised November 20, 2020 together with Lot Consolidation Plans entitled "Lot Consolidation Plans for 5621, 5591, 5573 Hamilton Blvd." dated April 15, 2009, last revised May 22, 2020 (hereinafter collectively referred to as, "the Plans"); and

**WHEREAS**, the right of way subject to confirmation has been subject to public use prior to the consolidation of the parcels; and

**WHEREAS**, it is necessary for the Township to accept the right of way shown on Exhibit "A" to complete the recording and confirm the record of the right of way.

**NOW THEREFORE, BE IT ADOPTED AND RESOLVED** that the Board of Commissioners of the Township of Lower Macungie hereby accepts the deed of dedication confirming the right of way on Krocks Court already in use by the public and subject to Township control.

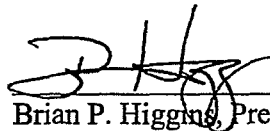
1. The WHEREAS clauses are incorporated by reference as if set forth in full.
2. This resolution does not affect Resolution 2020-15 or Resolution 2021-04 which approved the Preliminary/Final Development plans as modified.
3. All conditions set forth in Resolution 2020-15 and Resolution 2021-04 shall remain in full force and effect.

**BE IT RESOLVED**, that the TimTay Hamilton, LLC shall record the deed of dedication and notify the Township of the correct PIN for the property when received from Lehigh County GIS.

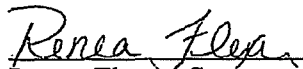
**FURTHER RESOLVED**, TimTay Hamilton, LLC or its successors in interest shall be responsible for the maintenance and upkeep of the right of way as confirmed in perpetuity.

**DULY ADOPTED**, this 7<sup>th</sup> day of April, 2022, by the Board of Commissioners of the Township of Lower Macungie, in lawful session duly assembled.

LOWER MACUNGIE TOWNSHIP  
BOARD OF COMMISSIONERS

  
\_\_\_\_\_  
Brian P. Higgins, President

Attest:

  
\_\_\_\_\_  
Renea Flexer, Secretary

# **EXHIBIT “A”**

**PREPARED BY AND RETURN TO:**

High Swartz LLP  
Attn: David J. Brooman, Esquire  
40 East Airy Street  
Norristown, PA 19401  
Phone: 610-275-0700  
NUMBER OF PAGES: 9

PART OF PIN 547554086045-1 AS NOTED BELOW

Owner: TIMTAY HAMILTON, LLC  
PIN: 547554086045-1  
5605 Hamilton Boulevard, Allentown, PA 18106

Municipality: LOWER MACUNGIE TOWNSHIP

**DEED OF DEDICATION/CONFIRMATION**

**THIS DEED OF DEDICATION/CONFIRMATION IS BEING EXECUTED AND RECORDED FOR THE SOLE PURPOSE OF CONFIRMING OWNERSHIP OF THE RIGHT-OF-WAY ADDRESSED HEREIN.**

THIS INDENTURE, made the 17<sup>th</sup> day of March, 2022,

BETWEEN TIMTAY HAMILTON, LLC, a Pennsylvania limited liability company, with a mailing address of 25 N. Main Street, Doylestown, Pennsylvania 18901, hereinafter called the "Grantor"

AND

**TOWNSHIP OF LOWER MACUNGIE**, a Township of the First Class organized and existing under and pursuant to the Laws of the Commonwealth of Pennsylvania and constituting a political subdivision of the Commonwealth of Pennsylvania and County of Lehigh, with a business office located at 3400 Brookside Road, Lower Macungie Township, Lehigh County, Pennsylvania, and which has a mailing address of 3400 Brookside Road, Macungie, Pennsylvania 18062, Party of the Second Part, hereinafter called the "Grantee".

**THIS IS A CONVEYANCE TO A PUBLIC ENTITY FOR A PUBLIC USE AS A ROADWAY AND IS THEREFORE EXEMPT FROM PENNSYLVANIA REALTY TRANSFER TAXES.**

**WITNESSETH**, that Grantor, for and in consideration of the sum of One Dollar and 00/100 cents (\$1.00) lawful money of the United States of America, unto it well and truly paid by the said Grantee, at or before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, hath or has granted, conveyed, bargained, sold, aliened, enfeoffed, released and

confirmed, and by these presents does grant, convey, bargain, sell, alien, enfeoff, release, convey and confirm, unto the said Grantee, its successors and assigns forever,

ALL THAT CERTAIN PARCEL of land as more fully described in the metes and bounds, courses and distances engineering description set forth on EXHIBIT "A" attached hereto and as depicted on the engineering drawing marked EXHIBIT "B" attached hereto and made a part hereof. Road right-of-way is along 5605 Hamilton Boulevard, Township of Lower Macungie, County of Lehigh, Commonwealth of Pennsylvania, containing approximately 1,806 square feet, more or less.

TAX PARCEL NO.: Part of Tax Parcel Number 547554086045-1.

**TOGETHER** with all and singular the lot, buildings, improvements, ways, waters, water-courses, rights, liberties, privileges, hereditaments and appurtenances whatsoever thereunto belonging or in anywise 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, in and to the same and every part thereof, so that neither the Grantor, nor its successors or assigns, shall, at any time hereafter, have, claim, challenge, or demand the said lands and premises, or any part thereof, in any manner whatever.

**TO HAVE AND TO HOLD**, the said lot(s) or piece(s) of ground above-described unto the said Grantee, to and for the only proper use and behoof of said Grantee, its successors and assigns, forever, as and for a public street or highway, or as a portion of said public street or highway of the Grantee, and for all other public purposes, including utility lines and conveyance of stormwater, and said street shall become part of those streets already owned and opened by the Commonwealth of Pennsylvania and/or the Township of Lower Macungie, Lehigh County, Pennsylvania.

**AND THE GRANTOR**, its successors and assigns, by these presents covenants, promises and agrees to and with the Grantee, its successors and assigns, that neither the Grantor nor its successors and assigns, shall nor will at any time hereafter, ask, demand, recover or receive of or from the Grantee, its successors and assigns, any sum or sums of money as and for damages for or by reason of the physical grading of said street to the grade as now established by the Board of Commissioners of Lower Macungie Township, Lehigh County, Pennsylvania, or the Commonwealth of Pennsylvania Department of Transportation, and if such grade shall not be established at the day of the date of these presents that neither the Grantor, nor its successors and assigns, shall nor will at any time thereafter ask, demand, recover or receive any such damage by reason of the physical grading of said street to conform to the grade as first thereafter established or confirmed by the said Board of Commissioners of Lower Macungie Township, Lehigh County, Pennsylvania, or the Commonwealth of Pennsylvania Department of Transportation.

**AND THE GRANTOR**, acknowledges that it is aware that it may have a right to fair compensation for the land being dedicated herein, under applicable federal and state law, and have consulted with their legal counsel and with respect thereto, but Grantor, for itself, its

successors and assigns, voluntarily and freely waive any right to present or future compensation, if any.

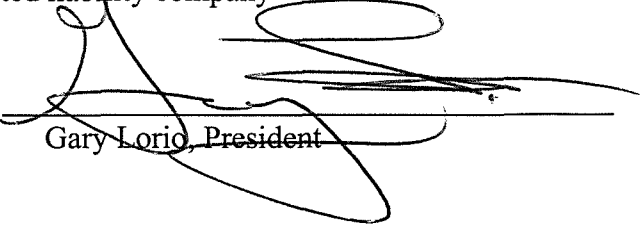
**AND** the said Grantor, for its successors and assigns, does by these presents covenant, grant and agree to and with the said Grantee, its successors and assigns, that the Grantor, its successors and assigns, all and singular the hereditaments and premises herein above described and granted, or mentioned, and intended so to be, with the appurtenances, unto the Grantee, its successors and assigns, against it, the said Grantor, its successors and assigns, and against all and every other person or persons whomsoever, lawfully claiming or to claim the same, or any part thereof, by, from or under Grantor, **SHALL AND WILL SPECIALLY WARRANT AND FOREVER DEFEND.**

*(Signatures on the following page.)*

IN WITNESS WHEREOF, said Grantor has hereunto set its hands and seals the day and year first above written.

  
\_\_\_\_\_  
Witness

**TIMTAY HAMILTON, LLC**, a Pennsylvania limited liability company

By:   
\_\_\_\_\_  
Gary Lorio, President

**COMMONWEALTH OF PENNSYLVANIA** )

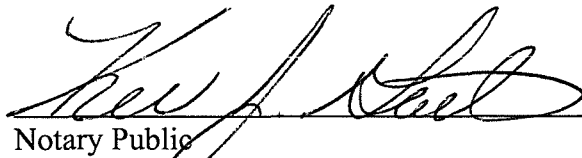
) ss.

**COUNTY OF LEHIGH** )

On this 17<sup>th</sup> day of March, 2022, before me, the undersigned officer, a Notary Public, personally appeared Gary Lorio, who duly acknowledged himself to be the President of TIMTAY HAMILTON, LLC, a Pennsylvania limited liability company, and that he, as such President, being authorized to do so, executed the foregoing instrument for the purpose therein contained, by signing the name of the limited liability company.

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

Commonwealth of Pennsylvania - Notary Seal  
Kevin J. Gaeta, Notary Public  
Lehigh County  
My commission expires May 8, 2022  
Commission number 1331260  
Member, Pennsylvania Association of Notaries

  
\_\_\_\_\_  
Notary Public  
My Commission Expires: 8MAY22

I HEREBY CERTIFY that the precise address of the Grantee herein is:

3400 Brookside Road  
Macungie, PA 18062


  
\_\_\_\_\_  
on behalf of Grantee

EXHIBIT "A"



**I. Location:**

Located in Lower Macungie Township, Lehigh County, Pennsylvania.

**II. Source of Title:**

Being the same as the second "Tract No. 2" (consisting of 0.0406 acres, more or less) of lands now or formerly of TIMTAY Hamilton, LLC, as recorded in the Office of the Recorder of Deeds in and for the County of Lehigh, Pennsylvania in Instrument Number 2020024846.

**III. Referenced Plan:**

A.) This parcel is shown on the exhibit entitled:

"Existing Krocks Court Right-of-Way", prepared by: The Newton Engineering Group, P.C., Project # 03-026Lorio, dated April 22<sup>nd</sup>, 2021, Sheets 1 of 1.

**IV. Description:**

Being more fully bounded and described as follows, to wit:

**Commencing** at a concrete monument to be set on the northern ultimate right-of-way of Hamilton Boulevard (S.R. 6222) at the approximate centerline sta 369 + 82.57 offset left 50.00'. In and through Parcel A, Purpart No. 2, Tract No. 2 of the TIMTAY Hamilton, LCC, North 40°09'58" West 104.01' to a point. Said point being the true **Point of Beginning.**, thence:

1. Along said western line, South 20°01'46" East 114.03 ft. to a point on the eastern right-of-way line of Krocks Court; Passing through a survey monument at Northing: 454692.28 and Easting: 2574986.80.

In and through said right-of-way the following three (3) courses and distances, viz:

LEHIGH COUNTY  
LOWER MACUNGIE TOWNSHIP  
DESCRIPTION FOR A PORTION OF EXISTING KROCKS COURT RIGHT-OF-WAY  
Page 2 of 2

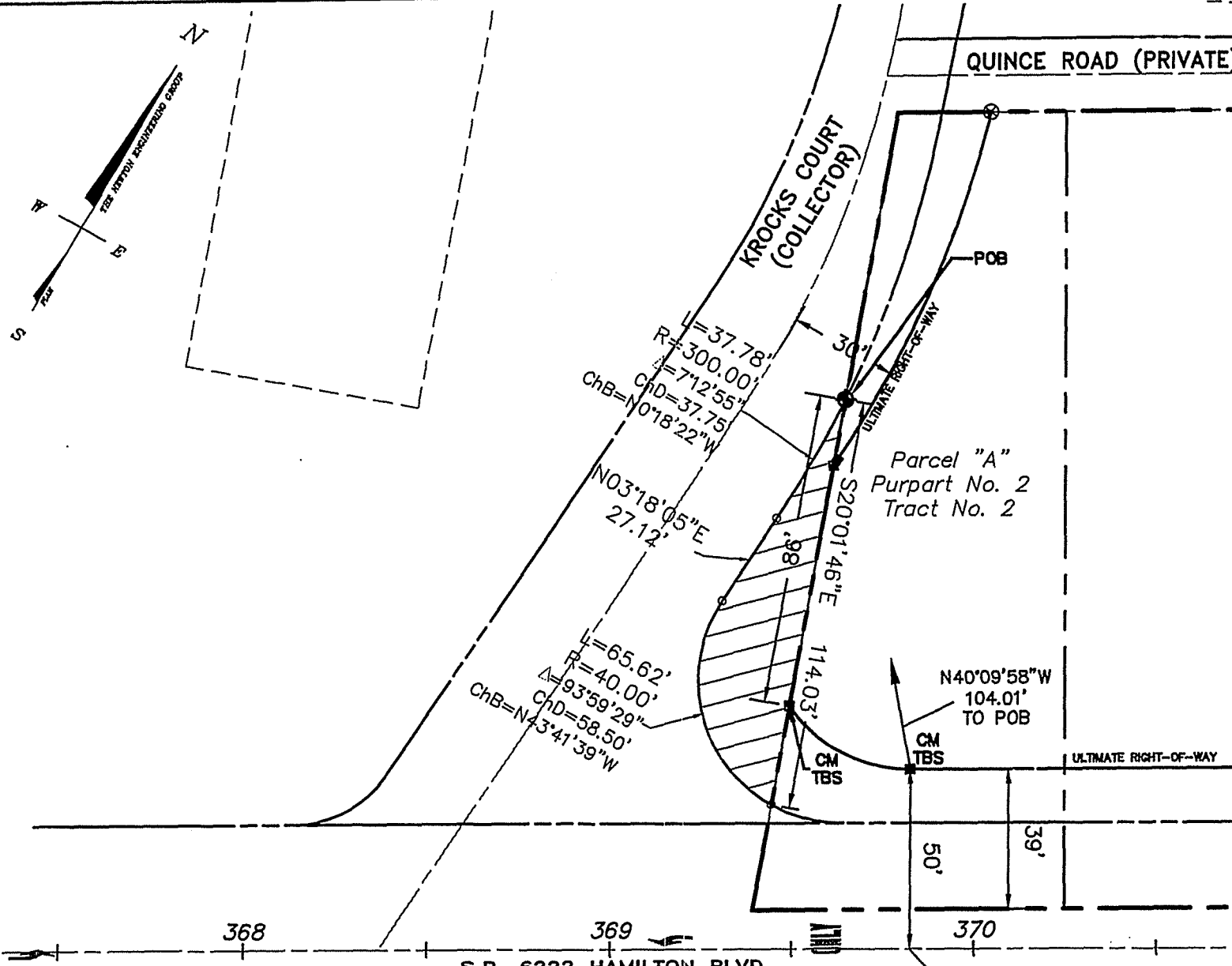
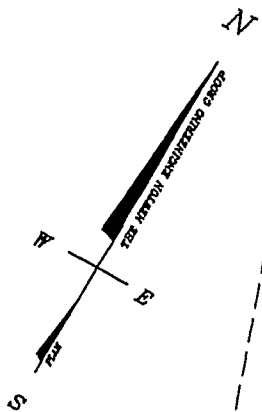
2. Along a non-tangential curve to the right having a radius of 40.00 ft., arc length of 65.62 ft., a central angle of  $93^{\circ}59'29''$ , and a chord bearing and distance of North  $43^{\circ}41'39''$  West 58.50 ft., to a point;
3. North  $03^{\circ}18'05''$  East 27.12 ft. to a point;
4. Along a curve to the left having a radius of 300.00 ft., arc length of 37.78 ft., a central angle of  $07^{\circ}12'55''$ , and a chord bearing and distance of North  $00^{\circ}18'22''$  West 37.75 ft., to the **Point of Beginning**.

Containing 1806 S.F. or 0.0414 Acres

**Purpose**

The herein described parcel is existing Right-of-Way of Hamilton Boulevard, and is subject to any and all easements which a title search may discover.

EXHIBIT "B"



**LEGEND:**  
 AREA TO BE DEDICATED TO LOWER MACUNGIE TOWNSHIP

**PROPERTY DEDICATION**  
 AREA: 1,806 Sq.Ft. 0.0414 Ac.

STA. 369+82.57

**EXISTING KROCK'S COURT RIGHT-OF-WAY**

SEAL

The Newton Engineering Group, P.C.  
 One P.O. Box 18108  
 Allentown, Pennsylvania 18108  
 Telephone: 610-366-0660 or 610-366-7819  
 Facsimile: 610-366-7818  
 E-mail: newtoneng@att.net  
 Web Site: www.newtonengineering.com



PROJECT NO. 03-026	SHT. NO. 1 OF 1	DATE 4/22/21	SCALE 1"=40'	DRAWN BY MAM
	Traffic, Surveying & Development Professionals			

**SHEPHERD'S CORNER  
 LOWER MACUNGIE TWP.  
 LEHIGH COUNTY**