

TOWNSHIP OF LOWER MACUNGIE
Lehigh County, Pennsylvania

RESOLUTION NO. 2022-78
(Duly Adopted November 17, 2022)

RESOLUTION AUTHORIZING RIGHT-OF-WAY TO BE
DEEDED TO THE COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION UNDER HOP
APPLICATION NO. 257087 FOR S.R. 3007, SEG. 0010 OFFSET
0432 TO SEG. 0010 OFFSET 0817; S.R. 3005, SEG. 0010
OFFSET 3319 TO SEG. 0010 OFFSET 3506; AND S.R. 3005,
SEG. 0010 OFFSET 3534 TO SEG. 0020 OFFSET 0014, IN
LEHIGH COUNTY, PENNSYLVANIA, AND FOR THE
TAKING OF ALL RELATED ACTIONS

WHEREAS, the Commonwealth of Pennsylvania Department of Transportation (“PennDOT”) has promulgated regulations at 67 Pa. Code, Chapter 441, entitled “Access to and Occupancy of Highways by Driveways and Local Roads,” which governs the dedication of right-of-way for state highway purposes; and

WHEREAS, in accordance with the aforementioned PennDOT regulations, HOP Application No. 257087 has been submitted for certain improvements to Brookdale Road and Butz Road, and as part of said project, certain right-of-way areas are to be dedicated from the Township to PennDOT; and

WHEREAS, drawings have been prepared depicting those right-of-way areas to be deeded to PennDOT under HOP Application No. 257087 for S.R. 3007, Seg. 0010 Offset 0432 to Seg. 0010 Offset 0817; S.R. 3005, Seg. 0010 Offset 3319 to Seg. 0010 Offset 3506; and S.R. 3005, Seg. 0010 Offset 3534 to Seg. 0020 Offset 0014, and a Deed of Easement (PennDOT Form M-950 D2 (4-19)) has been prepared, which is consistent with the aforementioned drawings that will convey the right-of-way areas to PennDOT; and

WHEREAS, after discussions held on the date hereof, the Board of Commissioners have determined to convey the right-of-way areas shown on the drawings and described in the prepared deeds to PennDOT, pursuant to the HOP Application No. 257087; and

WHEREAS, accordingly the Township desires, by this Resolution, to agree to authorize right-of-way to be deeded to PennDOT under HOP Application No. 257087 as hereinabove set forth and to authorize such actions as are necessary or appropriate to effectuate the purposes hereof.

NOW, THEREFORE, BE IT ADOPTED AND RESOLVED by the Board of Commissioners of the Township of Lower Macungie as follows:

1. The aforementioned recitals are incorporated herein as if set forth in their entirety.

2. The Township hereby agrees to deed right-of-way to PennDOT under HOP Application No. 257087 for S.R. 3007, Seg. 0010 Offset 0432 to Seg. 0010 Offset 0817; S.R. 3005, Seg. 0010 Offset 3319 to Seg. 0010 Offset 3506; and S.R. 3005, Seg. 0010 Offset 3534 to Seg. 0020 Offset 0014, in Lehigh County, Pennsylvania. The final right-of-way area shall be subject to approval by the Township Solicitor.

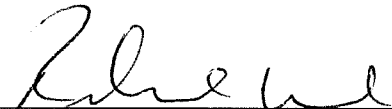
3. Bruce Beitel, in his role as Township Manager, is hereby authorized and empowered to take all such further action, including execution of the deeds to convey the aforementioned right-of-way, and execute additional documents as he may deem appropriate to carry out the purpose of this Resolution.

4. All resolutions or parts thereof inconsistent herewith are hereby repealed to the extent of any such inconsistency.

5. This Resolution shall become effective immediately upon adoption.

DULY ADOPTED this 17th day of November, 2022, by the Board of Commissioners of Lower Macungie Township, in lawful session duly assembled.

LOWER MACUNGIE TOWNSHIP
BOARD OF COMMISSIONERS

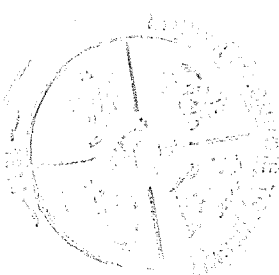


Richard V. Ward, Vice President

Attest:



Renea Flexer, Secretary



Prepared By: Zator Law
4400 Walbert Avenue
Allentown, PA 18104

Return To: District 5-0, R/W Administrator
1002 Hamilton Street
Allentown, PA 18101

Site Location: 545481701775-1; 545480891149-1; 546414421954-1; 546404835931-1

M-950 D2 (4-19)



COUNTY	LEHIGH
SR – SEGMENT-OFFSET	SR 3007, Segment/Offset 0010/0432 to Segment/Offset 0010/0817; SR 3005, Segment/Offset 0010/3319 to Segment/Offset 0010/3506; SR 3005, Segment/Offset 0010/3534 to Segment/Offset 0020/0014
MUNICIPALITY	Lower Macungie Township
APPLICATION/PERMIT NO.	257087
APPLICANT/PERMITTEE	Lower Macungie Township

DEED OF EASEMENT
(No Monetary Consideration)

THIS INDENTURE, made this ____ day of _____, 20__, by Lower Macungie Township as Easement owner(s) of property affected by the proposed construction or improvement of the above mentioned State Route under the referenced highway occupancy application/permit, its heirs, executors, administrators, successors, and/or assigns, hereinafter, whether singular or plural, called the GRANTOR, and the Commonwealth of Pennsylvania, Department of Transportation, hereinafter called the COMMONWEALTH,

WITNESSETH:

WHEREAS the COMMONWEALTH has received an application from the GRANTOR for issuance of a highway occupancy permit for access to the above referenced highway; and

WHEREAS the parties hereto have agreed that, as a condition to issuance of the referenced permit, the GRANTOR will convey to the COMMONWEALTH a highway easement unlimited in vertical dimension and other estate(s) as designated, if any, from the property or portion thereof required by the COMMONWEALTH,

NOW, THEREFORE, in consideration of the benefits to the property of the GRANTOR, the GRANTOR does hereby grant and convey to the COMMONWEALTH a easement for highway purposes and such other estate(s), if any, as designated on the plot plan attached hereto and made a part hereof and set forth below.

BEING all or a portion of the same property conveyed or devised to the GRANTOR by Deed of Donald C. Butz and Donna Jean Butz , dated April 16, 1994 and recorded in Lehigh County, Pennsylvania Deed

Book Volume 753, Page 888, together with the improvements, hereditaments and appurtenances thereto. And the GRANTOR warrants GENERALLY the property hereby conveyed

ALSO BEING all or a portion of the same property conveyed or devised to the GRANTOR by Offer of Burdell Kidd on Plan recorded in Lehigh County at MS Vol. 7, Page 194, and accepted by Lower Macungie Township Resolution No. 2022-42, approved July 21, 2022 and recorded in Lehigh County, Pennsylvania at Instrument No. 2022028992, together with the improvements, hereditaments and appurtenances thereto. And the GRANTOR warrants GENERALLY the property hereby conveyed.

ALSO BEING all or a portion of the same property conveyed or devised to the GRANTOR by Deed of Pulte Homes of PA, Limited Partnership, a Michigan Limited Partnership dated July 20, 2006 and recorded in of Lehigh County, Pennsylvania, Document I.D. 7355722, together with the improvements, hereditaments and appurtenances thereto. This conveyance contains a total for all parcels of 0.086 Acre or 3,739 Square Feet. And the GRANTOR warrants GENERALLY the property hereby conveyed.

Reserving, however, to the GRANTOR the right to deep mine minerals and remove gas and oil within the areas hereunder acquired from a minimum depth to be determined by the COMMONWEALTH, from mine shafts or by means of wells located off the right-of-way.

The GRANTOR does further indemnify the COMMONWEALTH, its employees or representatives against any claim, demand or judgment of any type made by any lessee or easement holder of the aforesaid property who is not an Applicant/Permitee under the referenced application/permit and who may be adversely affected by the construction of the improvements to the demised premises or in the State highway right of way pursuant to the referenced application/permit.

Certificate of Residence

I hereby certify the Grantee's precise residence to be:

District 5-0, R/W Administrator
1002 Hamilton Street
Allentown, PA 18101

Witness my hand this _____ day of _____, _____

Agent for the Commonwealth of Pennsylvania
Department of Transportation

[remainder of page intentionally left blank]

The GRANTOR has executed or caused to be executed these presents, intending to be legally bound thereby.

INDIVIDUALS

ENTITIES*

GRANTOR:

Lower Macungie Township

(Name of Entity)

BY: _____

BY: _____

* Use this block for a corporation, partnership, LLC, government entity, school district, church, trust, club, association, POA, attorney-in-fact, executor, administrator or any other entity. See R/W Manual Section 3.06.

INDIVIDUAL

ENTITY

STATE OF PENNSYLVANIA
COUNTY OF _____
On this _____ day of _____, 20____,
before me, _____,
the undersigned officer, personally appeared

_____, known to me
(or satisfactorily proven) to be the person(s) whose
name(s) _____ subscribed to the within instrument,
and acknowledged that _____ executed the
instrument for the purposes contained in it.
In witness whereof, I hereto set my hand and official
seal.

[Signature]

[Title]
[Seal]

STATE OF PENNSYLVANIA
COUNTY OF _____
On this _____ day of _____, 20____,
before me, _____, the
undersigned officer, personally appeared
_____, who
acknowledged _____ self to be the
_____ [title] of
_____ [name of
entity], and that as such _____
_____ [title], being authorized to do
so, executed the foregoing instrument for the purposes
contained in it by signing on behalf of the entity as
_____ [title].
In witness whereof, I hereto set my hand and official
seal.

[Signature]

[Title]
[Seal]

Drawing name: S:\Inland-Spring-Creek\20037-SCSS-Merlotown-Residential\Civil-Plans\TOP-Submission\RW-Plans\PLAT-DIGITAL.dwg Last Modified: Sep 14, 2022 - 3:35pm

DISTRICT	COUNTY	ROUTE	SECTION	SHEET
3-0	LEHIGH	SR 3005	01 R/W	07 OF 15
		SR 3007	01 R/W	
LOWER MACUNGIE TOWNSHIP				
REVISION NUMBER	REVISIONS	DATE	BY	

RIGHT-OF-WAY INFORMATION
COMMONWEALTH OF PENNSYLVANIA-DEPARTMENT OF TRANSPORTATION

STATE RTE. 3005, 3007 SEC. NO. 01 R/W LOWER MACUNGIE TOWNSHIP LEHIGH COUNTY
 PARCEL NO. A10A, 10B, 10C SHEETS NO. 9, 12, 14, AND 15 CLAIM NO. _____
 PROPERTY OWNER(S) DAVID M. JAINDL
 GRANTOR(S) ** SEE INDIVIDUAL SUB-PARCEL INFORMATION BLOCK **

AREAS		ACRES	REQUIRED AREA
DEED	CALCULATED	**	REQ R/W
DEED BOOK	ADVERSES	**	REQ R/W
PAGE	TOTAL LEGAL R/W	**	REQ R/W
DATE OF DEED	EFFECTIVE	**	REQ R/W
DATE OF RECORD	TOTAL REQ'D R/W	**	REQ R/W
CONSIDERATION	TOTAL RESIDUE	**	VERIFICATION DATE <u>8/17/22</u>
I.R.S. STAMPS	RESIDUE LT.	**	DRAWN BY <u>WCK</u>
	RESIDUE RT.	**	SCALE <u>AS NOTED</u>

** SEE INDIVIDUAL SUB PARCEL INFORMATION BLOCKS SHEETS 9, 12, 14, AND 15

RIGHT-OF-WAY INFORMATION
COMMONWEALTH OF PENNSYLVANIA-DEPARTMENT OF TRANSPORTATION

STATE RTE. 3005, 3007 SEC. NO. 01 R/W LOWER MACUNGIE TOWNSHIP LEHIGH COUNTY
 PARCEL NO. 20A, 20B, 20C SHEETS NO. 8, 10, AND 11 CLAIM NO. _____
 PROPERTY OWNER(S) TOWNSHIP OF LOWER MACUNGIE
 GRANTOR(S) ** SEE INDIVIDUAL SUB-PARCEL INFORMATION BLOCK **

AREAS		ACRES	REQUIRED AREA
DEED	CALCULATED	**	REQ R/W
DEED BOOK	ADVERSES	**	REQ R/W
PAGE	TOTAL LEGAL R/W	**	REQ R/W
DATE OF DEED	EFFECTIVE	**	REQ R/W
DATE OF RECORD	TOTAL REQ'D R/W	**	REQ R/W
CONSIDERATION	TOTAL RESIDUE	**	VERIFICATION DATE <u>8/17/22</u>
I.R.S. STAMPS	RESIDUE LT.	**	DRAWN BY <u>WCK</u>
	RESIDUE RT.	**	SCALE <u>AS NOTED</u>

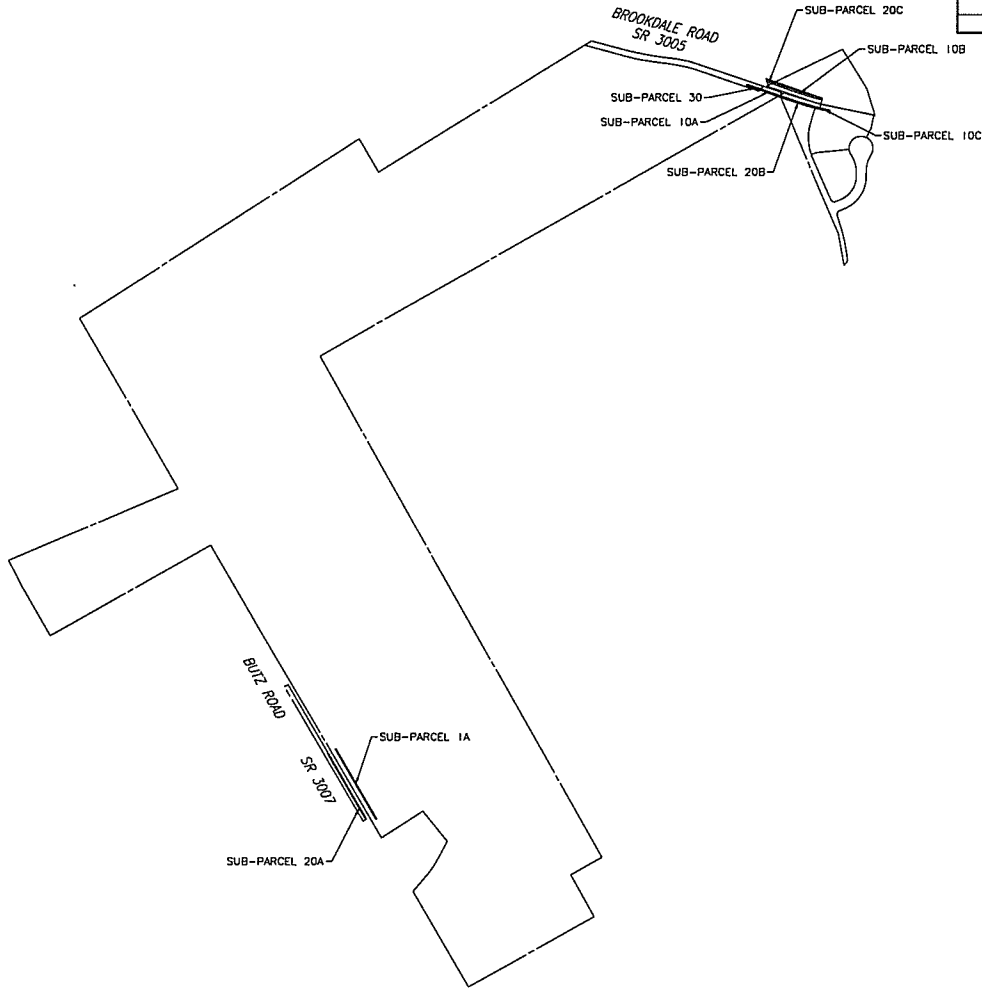
** SEE INDIVIDUAL SUB PARCEL INFORMATION BLOCKS SHEETS 8, 10, AND 11

RIGHT-OF-WAY INFORMATION
COMMONWEALTH OF PENNSYLVANIA-DEPARTMENT OF TRANSPORTATION

STATE RTE. 3005 SEC. NO. 01 R/W UPPER MACUNGIE TOWNSHIP LEHIGH COUNTY
 PARCEL NO. 30 SHEET NO. 13 CLAIM NO. _____
 PROPERTY OWNER(S) TOWNSHIP OF UPPER MACUNGIE
 GRANTOR(S) ** SEE INDIVIDUAL SUB-PARCEL INFORMATION BLOCK **

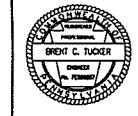
AREAS		ACRES	REQUIRED AREA
DEED	CALCULATED	**	REQ R/W
DEED BOOK	ADVERSES	**	REQ R/W
PAGE	TOTAL LEGAL R/W	**	REQ R/W
DATE OF DEED	EFFECTIVE	**	REQ R/W
DATE OF RECORD	TOTAL REQ'D R/W	**	REQ R/W
CONSIDERATION	TOTAL RESIDUE	**	VERIFICATION DATE <u>8/17/22</u>
I.R.S. STAMPS	RESIDUE LT.	**	DRAWN BY <u>WCK</u>
	RESIDUE RT.	**	SCALE <u>AS NOTED</u>

** SEE INDIVIDUAL SUB PARCEL INFORMATION BLOCK SHEET 13



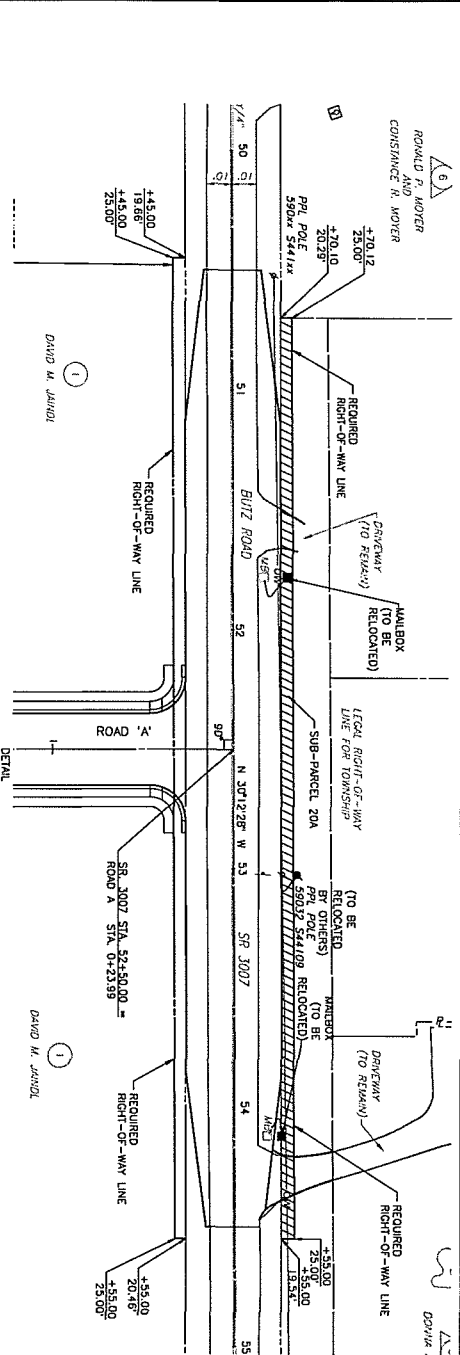
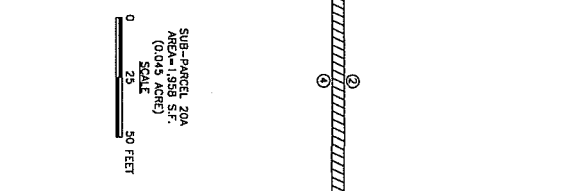
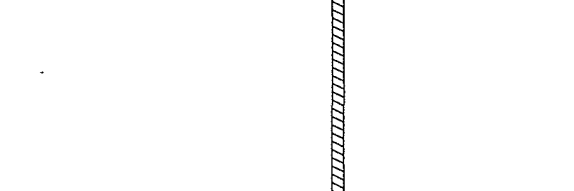
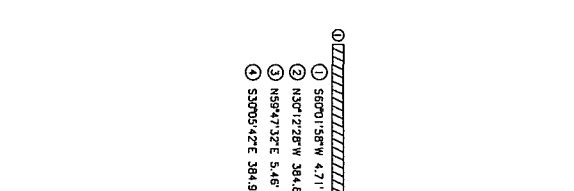
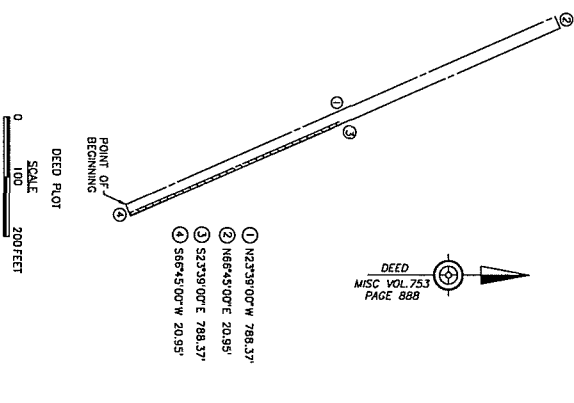
SCALE
0 300 600 FEET

SHEET 1 OF 9



NOT PUBLISHED: ALL RIGHTS RESERVED BY THE PLODCK COMPANY

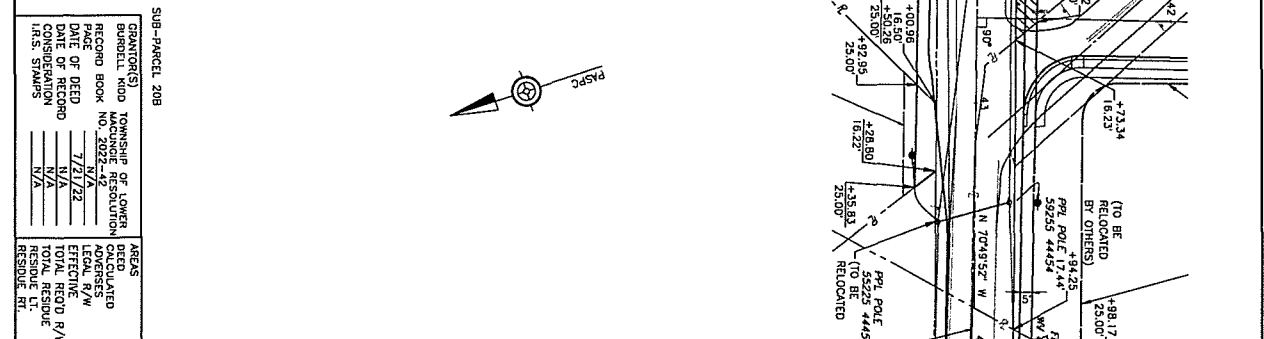
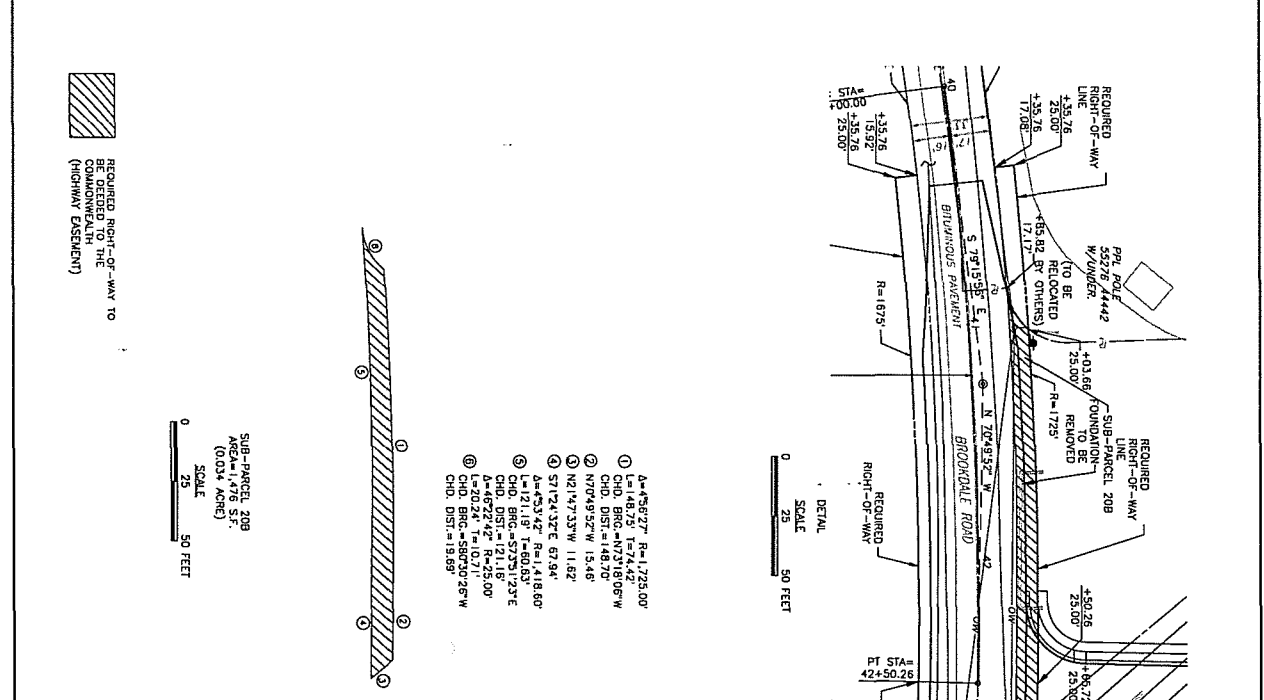
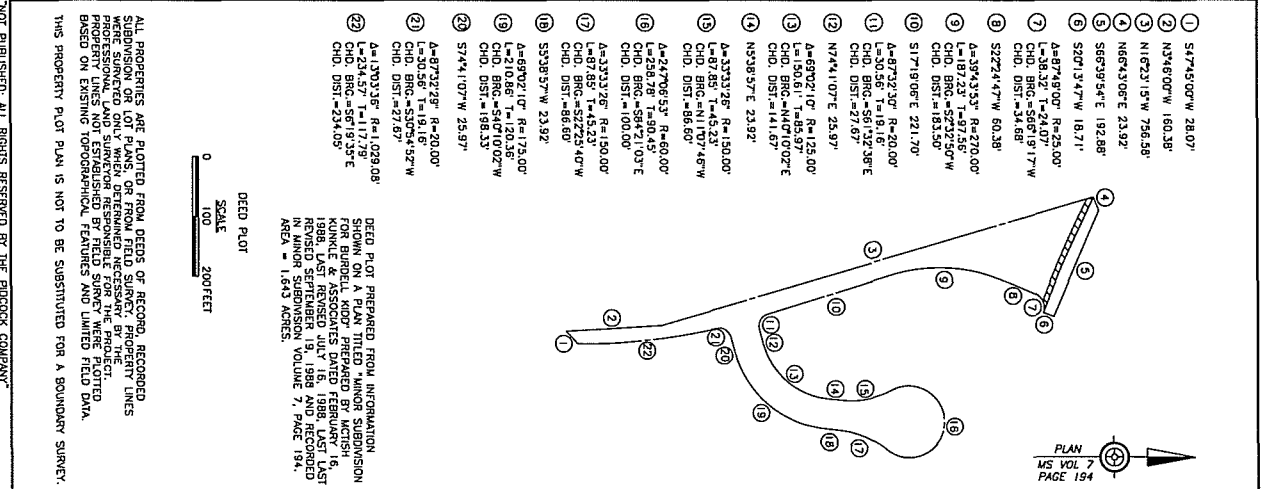
ALL PROPERTIES ARE PLOTTED FROM DEEDS OF RECORD, RECORDED SUBDIVISION OR LOT PLANS, OR FROM FIELD SURVEY, PROPERTY LINES SURVEY AND FIELD SURVEY. THE SURVEYOR IS NOT RESPONSIBLE FOR THE PROFESSIONAL AND SURVEYOR RESPONSIBILITY FOR THE PROJECT. PROPERTY LINES NOT ESTABLISHED BY FIELD SURVEY WERE PLOTTED BASED ON EXISTING TOPOGRAPHICAL FEATURES AND LIMITED FIELD DATA. THIS PROPERTY PLOT PLAN IS NOT TO BE SUBSTITUTED FOR A BOUNDARY SURVEY.



DISTRICT	COUNTY	ROUTE	SECTION	SHEET
S-4	LEHIGH	SR 3005	01 R/W	08 OF 15
LOWER MERIDIAN TOWNSHIP				
REVISIONS				
NO.	DATE	BY		

SUB-PARCEL 20A		GRANTOR(S) BUTZ AND DONNA JEAN BUTZ	
DEED BOOK	M753	DEED DATE	4/28/24
DATE OF DEED	4/28/24	CONSIDERATION	\$1.00
I.R.S. STAMPS			
AREAS	ACRES	DEED ADVERTISED	0.319
EFFECTIVE	0.045	LEGAL R/W	0.045
TOTAL RECD R/W	0.335	TOTAL RECD R/W	0.335
RESIDUE LT.	0	RESIDUE RT.	0

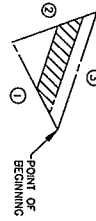
SHEET 2 OF 9



US/DISTRICT	COUNTY	ROUTE	SECTION	SHEET
5-0	LEHIGH	SR 3005	01 R/W	10 OF 15
LOWER WATGANCE TOWNSHIP				
REVISIONS		DATE	BY	

GRANTOR(S)	TOWNSHIP OF LOWER	AREAS	ACRES
BURBELL KIDD	NO. 2022-42	DEED ADJUTED	1.843
RECORD BOOK	N/A	ADJUTED	0.050
DATE OF DEED	7/21/22	LEGAL R/W	1.893
DATE OF RECORD	N/A	EFFECTIVE	0.034
TOTAL RECORD R/W	N/A	TOTAL RESIDE	1.319
TOTAL RESIDE	N/A	RESIDUE RT.	0

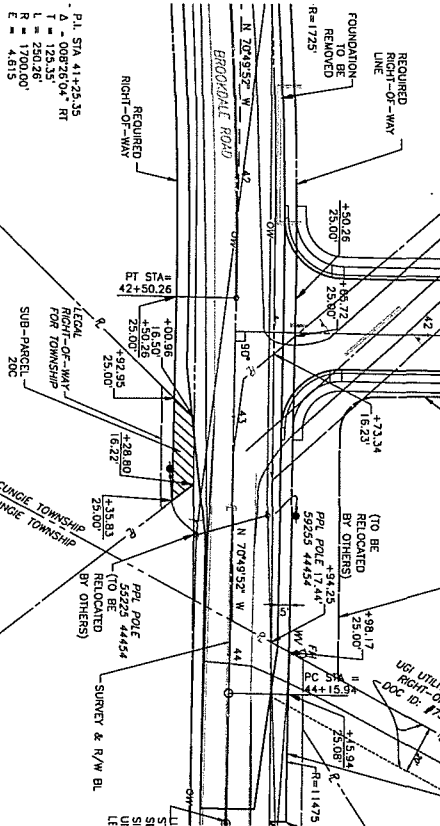
DEED NO.	DATE	BY
1	7/21/22	WILLIAM G. HERTZ



- ① S6227'48" W 41.15'
- ② N19'30'52" W 37.68'
- ③ S71'23'35" E 51.17'

PLAN
DOC ID:
7.358292

DEED PLOT
SCALE
0 25 50 FEET



DETAIL
SCALE
0 25 50 FEET

ALL PROPERTIES ARE PLOTTED FROM DEEDS OF RECORD, RECORDED WITH THE DEEDS OF RECORD. THE BOUNDARIES OF THE PROPERTY ARE THE PROPERTY OF THE SURVEYOR. THE SURVEYOR IS NOT RESPONSIBLE FOR THE ACCURACY OF THE DEEDS OF RECORD. THE SURVEYOR IS NOT RESPONSIBLE FOR THE ACCURACY OF THE DEEDS OF RECORD. THE SURVEYOR IS NOT RESPONSIBLE FOR THE ACCURACY OF THE DEEDS OF RECORD. THE SURVEYOR IS NOT RESPONSIBLE FOR THE ACCURACY OF THE DEEDS OF RECORD. THIS PROPERTY PLOT PLAN IS NOT TO BE SUBSTITUTED FOR A BOUNDARY SURVEY.



REQUIRED RIGHT-OF-WAY TO BE DEDED TO THE COMMONWEALTH (TOWNSHIP DESIGN)

SUB-PARCEL 20C	
CGS PARCELS	7359272
LIMITED PARTNERSHIP	1-5
PLAT NUMBER OF PA	7/20/2006
DATE OF DEED	7/20/2006
DATE OF RECORD	7/20/2006
CONSIDERATION	\$1700
INSTRUMENT	N/A

AREAS	
DEED	0.018
CALCULATED	0
ADJUSTED	0.055
EFFECTIVE	0.013
TOTAL AC'D R/W	0.007
TOTAL RESIDUE	0.005
RESIDUE LT.	0.005

SHEET 3 OF 9

S-12200

- ① N71°24'32" W 27.83'
- ② N19'30'52" W 11.25'
- ③ S70°49'52" E 42.88'
- ④ S62°27'48" W 11.68'

SUB-PARCEL 20C
AREA=303 S.F.
(0.007 AC)
SCALE (1"=100')

0 25 50 FEET