

TOWNSHIP OF LOWER MACUNGIE
Lehigh County, Pennsylvania

RESOLUTION NO. 2023-21

(Duly Adopted April 6, 2023)

RESOLUTION ACCEPTING DEDICATION OF A PARCEL OF
PROPERTY ON ORCHARD ROAD FROM THE ESTATE OF
FREDERICK J. JAINDL FOR THE INSTALLATION OF A
PORTION OF PUBLIC ROAD AND FOR OTHER PUBLIC
PURPOSES

WHEREAS, consistent with prior plans and authorizations, the Board of Commissioners of Lower Macungie Township (“Township”) adopted Resolution 2021-05 on February 5, 2021, authorizing the Township to enter into an agreement with Norfolk Southern Railway Company to, among other things, permanently close the Orchard Road rail crossing (the “Orchard Road Crossing”) and open a new public rail crossing at the extension of Sauerkraut Lane (collectively the “NS Agreement”); and

WHEREAS, in accordance with the NS Agreement, the Township and Norfolk Southern filed a Joint Application with the Pennsylvania Public Utility Commission (“PUC”), at PUC Docket No. A-2021-3025099, for, among other things, approval of the permanent closure of the Orchard Road Crossing, which application the PUC approved by Secretarial Letter dated December 9, 2021; and

WHEREAS, in August 2020, in anticipation of the PUC’s approval of the permanent closure of the Orchard Crossing, the Township closed the Orchard Road Crossing to vehicular traffic; and

WHEREAS, the permanent closure of the Orchard Road Crossing requires the Township to install a cul-de-sac on the northern side of the Orchard Road Crossing for vehicles to turnaround; and


WHEREAS, the Estate of Frederick J. Jajndl has offered for dedication a parcel of land adjacent to Orchard Road on the northern side of the Orchard Crossing, being Parcel Identification No. 47327208308-1, for the purpose of installing the said cul-de-sac, stormwater maintenance, and other public purposes, as depicted in the Deed of Dedication and exhibits thereto that are attached hereto as Exhibit “1” and incorporated herein by reference; and

WHEREAS, by this Resolution the Township desires to document its acceptance of the Estate of Frederick J. Jajndl’s dedication of Parcel Identification No. 47327208308-1.

NOW, THEREFORE, BE IT ADOPTED AND RESOLVED that the Board of Commissioners of the Township of Lower Macungie hereby accepts the offer of dedication set forth in the Deed of Dedication and Exhibits "A" and "B" thereto, which are attached hereto as Exhibit "1" and incorporated herein by reference.

DULY ADOPTED this 6th day of April 2023, by the Board of Commissioners of Lower Macungie Township, in lawful session duly assembled.

LOWER MACUNGIE TOWNSHIP
BOARD OF COMMISSIONERS



Brian P. Higgins, President

Attest:



Renea Flexer, Secretary

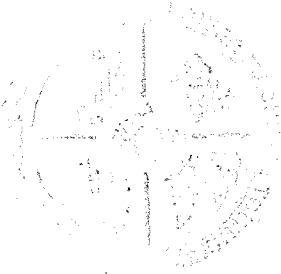


EXHIBIT “1”

RETURN TO:

PIN: 547327208308-1
Address: 3411 ORCHARD ROAD, MACUNGIE, PA 18062
Municipality: LOWER MACUNGIE TOWNSHIP

(SPACE ABOVE RESERVED FOR RECORDER OF DEEDS)

DEED OF DEDICATION

THIS INDENTURE, made the _____ day of _____, Two Thousand and Twenty-Three (2023),

BETWEEN David M. Jaindl, Mark W. Jaindl and John F. Lisicky, Co-Executors of the ESTATE OF FREDERICK J. JAINDL, a/k/a FRED J. JAINDL, a/k/a FRED JAINDL, Deceased, Party of the First Part, hereinafter called the "Grantors"

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, Lehigh County, Pennsylvania 18062, Party of the Second Part, hereinafter called the "Grantee".

WITNESSETH, that the said Grantors, 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 them well and truly paid by the said Grantee, at or before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has or have granted, bargained, sold, aliened, enfeoffed, released, conveyed and confirmed, and by these presents do grant, bargain, sell, alien, enfeoff, release, convey and confirm, unto the said Grantee, its successors and assigns forever,

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

ALL THAT CERTAIN PARCEL of land depicted on the engineering drawings marked **EXHIBIT "A"**, attached hereto and incorporated herein, and as more fully described in metes and bounds, courses and distances engineering descriptions set forth on **EXHIBIT "B"**, attached hereto and incorporated herein.

BEING TAX PARCEL# 547327208308-1

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 Grantors, in law, equity or otherwise, howsoever, in and to the same and every part thereof.

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 GRANTORS, its, successors and assigns, does by these presents covenant, promise and agree to and with the Grantee, its successors and assigns, that neither the Grantors nor their 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 Grantors, nor their 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. Grantors, for them and their successors and assigns, acknowledges that they are aware that they may have a right to fair compensation for the land being dedicated herein, under applicable federal and state law, and has consulted with its legal counsel and with respect thereto, but Grantors, for them and their successors and assigns, voluntarily and freely waives any right to present or future compensation, if any.

AND the said Grantors, in their capacities as Co-Executors of the Estate and not in their individual capacities, covenant, promise and agree to and with the said Grantee, that they, the said Grantors, have not heretofore done or committed any act, matter or thing whatsoever whereby the premises granted, or any part thereof, is, are, shall, or may be impeached, charged or encumbered in title, charge, estate or otherwise howsoever, and the said Grantors, against all and every other person or persons whomsoever lawfully claiming or to claim the same, or any part thereof, by, from or under Grantors, **SHALL AND WILL SPECIALLY WARRANT AND FOREVER DEFEND.**

IN WITNESS WHEREOF, said Grantors, being authorized to do so, have hereunto set their hands and seals the day and year first above written.

**SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF:**

Witness:

**ESTATE OF FREDERICK J.
JAINDL, a/k/a FRED J. Jajndl,
a/k/a FRED JAINDL**

By: David M. Jajndl
David M. Jajndl, Co-Executor

By: Mark W. Jajndl
Mark W. Jajndl, Co-Executor

By: John F. Lisicky
John F. Lisicky, Co-Executor

COMMONWEALTH OF PENNSYLVANIA

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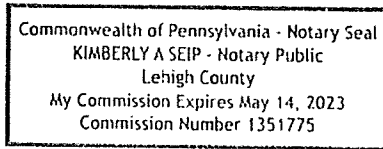
: SS

COUNTY OF LEHIGH

:

On this the 13th day of March, 2023, before me, a Notary Public, the undersigned officer, personally appeared **David M. Jaindl, Co-Executor of the ESTATE OF FREDERICK J. JAINDL, a/k/a FRED J. Jaindl, a/k/a FRED JAINDL, Deceased,** known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and that he signed the foregoing instrument for the purpose therein contained.

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



Kimberly A Seip
Notary Public
My Commission Expires: 05-14-23

COMMONWEALTH OF PENNSYLVANIA

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: SS

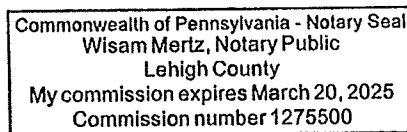
COUNTY OF LEHIGH

:

On this the 20th day of March, 2023, before me, a Notary Public, the undersigned officer, personally appeared **Mark W. Jaindl, Co-Executor of the ESTATE OF FREDERICK J. JAINDL, a/k/a FRED J. Jaindl, a/k/a FRED JAINDL, Deceased,** known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and that he signed the foregoing instrument for the purpose therein contained.

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

Wisam Mertz
Notary Public
My Commission Expires:



COMMONWEALTH OF PENNSYLVANIA

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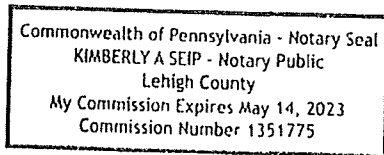
COUNTY OF LEHIGH

: SS

:

On this the 15th day of March, 2023, before me, a Notary Public, the undersigned officer, personally appeared **John F. Lisicky, Co-Executor of the ESTATE OF FREDERICK J. JAINDL, a/k/a FRED J. Jaindl, a/k/a FRED JAINDL, Deceased**, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and that he signed the foregoing instrument for the purpose therein contained.

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



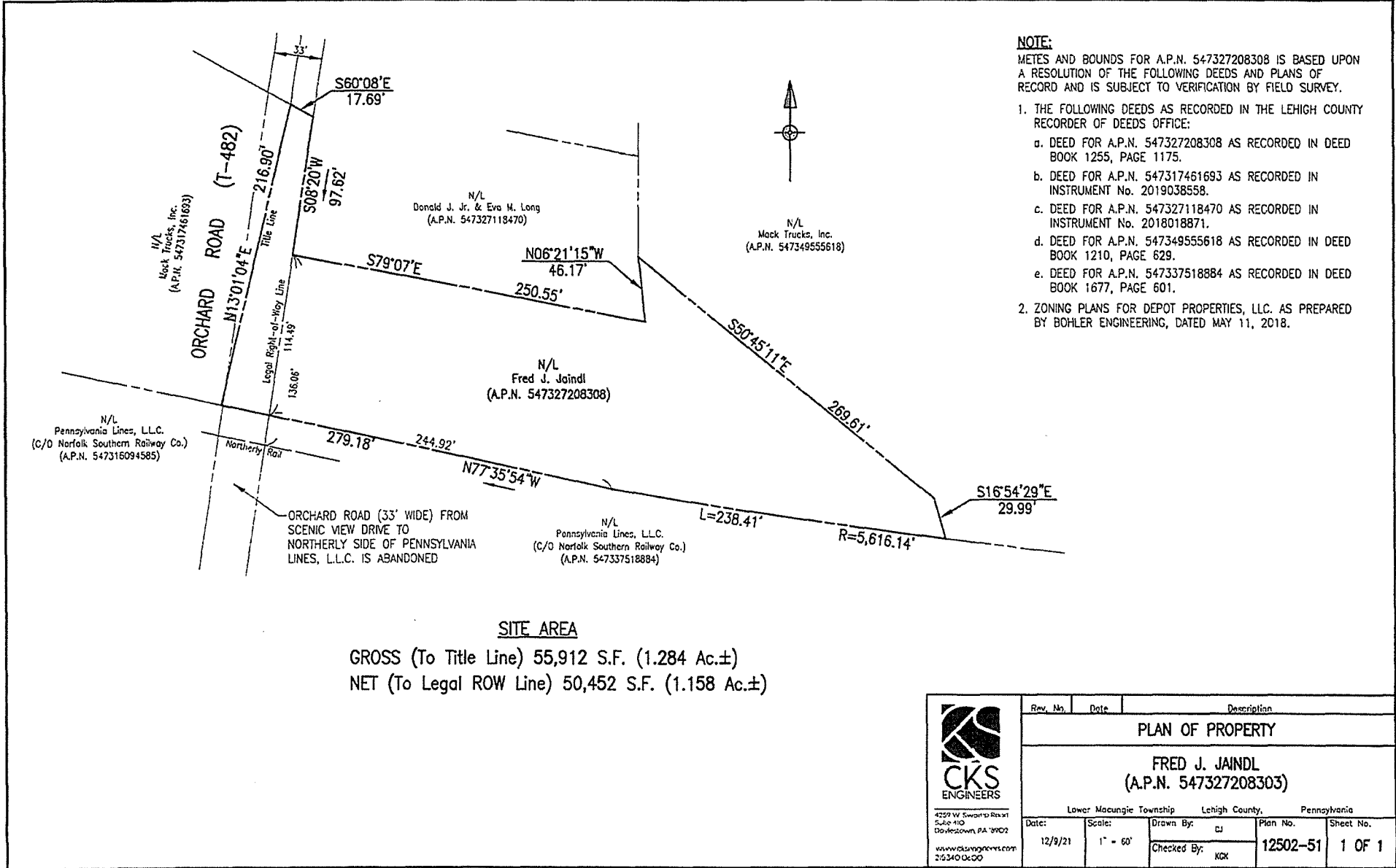
Kimberly A Seip
Notary Public
My Commission Expires: 05-14-23

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

3400 Brookside Road
Macungie, PA 18062-1427

On behalf of Grantee

EXHIBIT “A”



NOTE:
 METES AND BOUNDS FOR A.P.N. 547327208308 IS BASED UPON A RESOLUTION OF THE FOLLOWING DEEDS AND PLANS OF RECORD AND IS SUBJECT TO VERIFICATION BY FIELD SURVEY.

- THE FOLLOWING DEEDS AS RECORDED IN THE LEHIGH COUNTY RECORDER OF DEEDS OFFICE:
 - DEED FOR A.P.N. 547327208308 AS RECORDED IN DEED BOOK 1255, PAGE 1175.
 - DEED FOR A.P.N. 547317461693 AS RECORDED IN INSTRUMENT No. 2019038558.
 - DEED FOR A.P.N. 547327118470 AS RECORDED IN INSTRUMENT No. 2018018871.
 - DEED FOR A.P.N. 547349555618 AS RECORDED IN DEED BOOK 1210, PAGE 629.
 - DEED FOR A.P.N. 547337518884 AS RECORDED IN DEED BOOK 1677, PAGE 601.
- ZONING PLANS FOR DEPOT PROPERTIES, LLC. AS PREPARED BY BOHLER ENGINEERING, DATED MAY 11, 2018.

SITE AREA
 GROSS (To Title Line) 55,912 S.F. (1.284 Ac.±)
 NET (To Legal ROW Line) 50,452 S.F. (1.158 Ac.±)

 4259 W Swarth Rd Suite 410 Doylestown, PA 19002 www.cksengineers.com 26340 0600	Rev. No.	Date	Description	
	PLAN OF PROPERTY			
	FRED J. JAINDL (A.P.N. 547327208303)			
	Lower Macungie Township		Lehigh County,	Pennsylvania
Date:	Scale:	Drawn By:	Plan No.	Sheet No.
12/9/21	1" = 60'	CK	12502-51	1 OF 1
		Checked By:		
		KCK		

EXHIBIT “B”

LEGAL DESCRIPTION

N/L FRED J. JAINDL

A.P.N. 547327208308

DESCRIPTION OF ALL THAT CERTAIN tract or parcel of land situate in the Township of Lower Macungie, County of Lehigh, Commonwealth of Pennsylvania being bounded and described in accordance with a "Plan of Property" for Fred J. Jaindi (A.P.N. 547327208308) as prepared by CKS Engineers, Inc., Doylestown, Pennsylvania, dated December 9, 2021.

BEGINNING at a point on the northerly line of lands of now or late Pennsylvania Lines, L.L.C. (c/o Norfolk Southern Railway Company) (A.P.N. 547316094585), said point being the southeasterly corner of lands of now or late Mack Trucks, Inc., (A.P.N. 547317461693) and within the right-of-way of Orchard Road (T-482) (33' wide); thence from said point of BEGINNING along the easterly line of said lands of Mack Trucks, Inc., being the title line of Orchard Road N 13° 01' 04" E, 216.90 feet to a point, a corner of this and lands of now or late Donald J. Jr. and Eva M. Long (A.P.N. 547327118470); thence crossing said Orchard Road S 60° 08' E, 17.69 feet to point, a corner of this and in the easterly legal right-of-way line of Orchard Road; thence along said easterly legal right-of-way line of Orchard Road S 08° 20' W, 97.62 feet to a point, a corner of this and the aforesaid lands of Long; said point being further located N 08° 20' E, 136.06 feet from the northerly vail of the aforesaid railway line; thence along the southerly line of the aforesaid lands of Long S 79° 07' E, 250.55 feet to a point, a corner; thence along the easterly line of the aforesaid lands of Long N 06° 21' 15" W, 46.17 feet to a point, a corner of this and also a corner in the westerly line of other lands of Mack Trucks, Inc. (A.P.N. 547349555618); thence along the southwesterly lines of said lands of Mack Trucks, Inc. the following two (2) course and distances, to wit: (1) S 50° 45' 11" E, 269.61 feet to an angle point; thence (2) S 16° 54' 29" E, 29.99 feet to a point, a corner of this and in the aforesaid northerly line of lands of Pennsylvania Lines, LLC; thence along said northerly line of lands of Pennsylvania Lines, LLC, the following two (2) courses and distances, to wit: (1) by an arc curving to the right having a radius of 5,616.14 feet, and arc length of 238.41 feet to a point of tangent; thence (2) crossing the southerly terminus of the aforesaid Orchard Road at the end of this line N 77° 35' 54" W, 279.18 feet to the first mentioned point and said place of BEGINNING.

CONTAINING 55,912 square feet (1.284 acres) more or less.