

**BOROUGH COUNCIL OF  
THE BOROUGH OF PHOENIXVILLE  
CHESTER COUNTY, COMMONWEALTH OF PENNSYLVANIA**

**ORDINANCE NO. 2024 - 2381**

**ORDINANCE ACCEPTING DEDICATION OF RIGHT-OF-WAY OF  
HALL STREET**

**WHEREAS, TAGUE FAMILY LIMITED PARTNERSHIP II**, a Pennsylvania Limited Partnership (“Grantor”), is the owner of a two contiguous tracts of land situate west of the intersection of Bridge Street and Hall Street in the Borough of Phoenixville, which parcels are more particularly identified as Chester County Tax UPI Numbers 15-8-12, 15-9-91, 15-8-23, 15-9-92, 15-9-92.1; 15-9-93 and 15-9-97 (collectively the “Premises”); and


**WHEREAS**, and as a condition of the approval of a certain subdivision and land development, Grantor agreed to dedicate to the Borough of Phoenixville (“Borough”) certain rights-of-way of the southern property line of the Premises along the existing Hall Street right of way in order to extend the Hall Street right of way, as more particularly described in the legal descriptions included with the Deed of Dedication attached hereto and incorporated herein as Exhibit “A” (the “Right-of-Way”); and

**WHEREAS**, the Borough, by accepting the Deed of Dedication and recording the same with this Ordinance, accepts the Right-of-Way; and

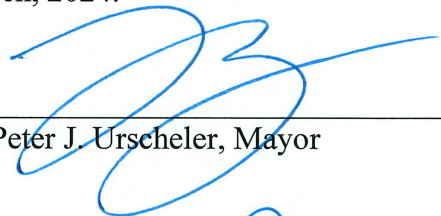
**WHEREAS**, as authorized by Section 1734(a) of the Borough Code, 8 Pa.C.S.A. §1734(a), the Borough desires to accept the Right-of-Way as and for a public street, road or highway, sidewalk, trail, utilities and other public improvements, together with any sidewalks or trails thereon and sanitary sewer lines and storm sewer lines constructed thereunder; and

**WHEREAS**, the Borough, by accepting and filing this Resolution with the Clerk of Courts for the Chester County Court of Common Pleas, accepts the Right-of-Way to the extent that such acceptance is necessary at this time.

**NOW, THEREFORE, BE IT ORDAINED AND ENACTED**, that the Borough Council of the Borough of Phoenixville accepts the Right-of-Way described in Exhibit "A" to have and to hold, forever, as and for public street, road or highway, sidewalk, trail, utilities and other public improvements, together with any sidewalks or trails thereon and sanitary sewer lines and storm sewer lines constructed thereunder (if any), and with the same effect as if the same had been opened by a Decree of Court of Common Pleas in and for the County of Chester after proceedings duly had for that purpose under and in pursuance with the laws of the Commonwealth of Pennsylvania.  
**PASSED** by Borough Council this 12th day of March, 2024.

By:   
Jonathan M. Ewald  
President, Borough Council

**APPROVED** by the Mayor, this 12th day of March, 2024.

By:   
Peter J. Urscheler, Mayor

**ENACTED**, this 12th day of March, 2024.

By:   
E. Jean Krack, Borough Manager/Secretary

**I HEREBY CERTIFY** that the foregoing is a true and correct copy of the said Ordinance duly adopted at a regular meeting of Borough Council held on the 12th day of March, 2024.

By:   
E. Jean Krack, Borough Manager/Secretary

**Deed of Dedication Hall Street Right-of-Way**

**EXHIBIT "A"**

Prepared By: Scott C. Denlinger, Esquire  
Wisler Pearlstine, LLP  
Blue Bell Executive Campus  
460 Norristown Road, Suite 110  
Blue Bell, PA 19422

Return To: Same as above

Parcel Nos.: 15-8-12; 15-8-23; 15-9-91; 15-9-92; 15-9-92.1; 15-9-93; 15-9-97

**DEED OF DEDICATION**

**Hall Street Right-of-Way**

**THIS INDENTURE** is made this 20 day of November, 2023,

**FROM**

**TAGUE FAMILY LIMITED PARTNERSHIP II**, a Pennsylvania limited partnership, with a registered address of 560 E. High Street, Philadelphia, Pennsylvania, 19144 (hereinafter referred to as "Grantor"), of the one part,

**TO**

**THE BOROUGH OF PHOENIXVILLE**, a duly organized Pennsylvania Borough with a mailing address of 351 Bridge Street, 2<sup>nd</sup> Floor, Phoenixville, Pennsylvania 19460 (hereinafter called "Grantee"), of the other part;

**WITNESSETH:**

**THAT** the said Grantor, for and in consideration of the sum of One Dollar (\$1.00) lawful money of the United States of America unto it well and truly paid by the said Grantee at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has dedicated and by these presents does dedicate for public use and enjoyment as and for a public street, road or highway, sidewalk, trail, utilities and other public improvements, together



with any sidewalks or trails thereon and sanitary sewer lines and storm sewer lines constructed thereunder, unto the said Grantee, its successors and assigns.

**ALL** those certain tracts or parcels of ground situate in the Borough of Phoenixville, Chester County, Pennsylvania, more particularly described in Exhibit "A" which is attached hereto and made a part hereof.

**TO** have and to hold the tract(s) or parcel(s) of land above described and hereby dedicated, or mentioned and intended to be, unto the said Grantee, its successors and assigns, forever, as and for a public street, road, highway, sidewalk, trail, utilities or other public improvements, together with any sidewalks or trails thereon (if any) and sanitary sewer lines and storm sewer lines constructed thereunder, and for no other use or purpose whatsoever, and to the same extent and with the same effect as if the said public street, road, highway, sidewalk, trail, utilities or other public improvements had been approved by a Decree of the Court of Common Pleas in and for the County of Chester after proceedings duly had for that purpose under and pursuant to the laws of the Commonwealth of Pennsylvania.

**AND** the said Grantor, its successors and assigns, does by these presents, covenant, promise and agree to and with the said Borough of Phoenixville, its successors and assigns, that neither it, the said Grantor, nor its successors and assigns, shall or will at any time hereafter ask, demand, recover or receive of or from the said Borough of Phoenixville, its successors and assigns, any sum or sums of money as and for damages for or by reason of the physical grading of the said public street, road, highway, sidewalk, trail, utilities or other public improvements to grade as now established, and if such grade shall not be established at the date of these presents, that neither it, the said Grantor, nor its successors and assigns, shall or will at any time thereafter ask, demand, recover or receive any damages by reason of the physical grading of the public

street, road, highway, sidewalk, trail, utilities or other public improvements to conform with the grades as first thereafter established or confirmed according to law.

**AND** the said Grantor, for itself and its heirs, successors and assigns, does covenant, promise and agree to and with the said Grantee, its successors and assigns, that he, the Grantor, has not heretofore done or committed any act, matter or thing whereby the premises hereby 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 Grantor, for itself and its successors and assigns, does by these presents further covenant, promise and agree to and with the said Grantee, its successors and assigns, that it, the said Grantor, shall and will warrant and forever defend the hereinabove described tracts or parcels of land against it, the said Grantor, its successors and assigns, and against all and any person or persons whomsoever lawfully claiming or to claim the same or any part thereof, by, from or under it or any of them.

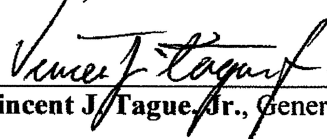
**AND** the Grantee, by accepting and recording this Deed, accepts the tracts or parcels of ground described herein as and for a public street, road, highway, trail, sidewalk, utilities and other public improvements.

**IN WITNESS WHEREOF**, the Grantor has caused this Deed to be signed on the day and year first above written.

**GRANTOR:**

**TAGUE FAMILY LIMITED PARTNERSHIP II,**  
by and through its General Partner, **VINCENT J.**  
**TAGUE, JR.**

By:

  
\_\_\_\_\_  
Vincent J. Tague, Jr., General Partner

**ACKNOWLEDGEMENT**

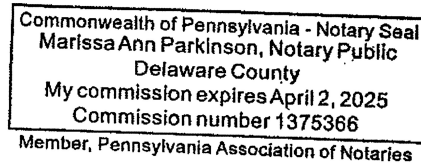
COMMONWEALTH OF PENNSYLVANIA :  
 : SS  
COUNTY OF Delaware :

On this, the 20 day of Nov., 2023, before the undersigned officer, personally appeared **Vincent J. Tague, Jr.** known to me or satisfactorily proven to be the General Partner of Tague Family Limited Partnership II, and as such officer, being duly authorized to do so, executed the within instrument on behalf of the company for the purposes therein contained by signing the name of the corporation by herself as such officer.

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

Marissa Ann Parkinson  
Notary Public

My Commission Expires: 04/02/2025



**Legal Description**

**EXHIBIT "A"**



112 North Lewis Road  
Royersford, PA 19468  
Ph.: 610-948-8947  
Email: mbercek@bercekassociates.com

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DESCRIPTION OF AREA TO BE DEDICATED FOR HALL STREET.

ALL THAT CERTAIN tract of land located on the northerly side of Hall Street, approximately 377 feet west of the north west corner of Hall Street and Bridge Street (S.R. 113), and shown as "Proposed Right of Way" on a plan titled "Preliminary/Final Lot Consolidation Plan-Land Development Plan", prepared by Bercek and Smith Engineering, Inc., dated December 15, 2017, last revised August 10, 2023, Plan No. D-17-086, situate in the Borough of Phoenixville, Chester County, Pennsylvania, bounded and described as follows, to wit:

BEGINNING at a point on the northerly legal right of way line of Hall Street (25 feet wide legal right of way) at a corner in common with lands of Tague Family Limited Partnership II as shown on the previously described plan by Bercek and Smith Engineering;

Thence leaving lands of Tague Family Limited Partnership II and along the northerly legal right of way line of Hall Street, South 85 degrees 57 minutes 18 seconds West for a distance of 102.81 feet to a point, a corner in common with lands of Anna M. Mirabile and Thomas A., Jr. Mirabile et al;

Thence along said lands of Anna M. Mirabile and Thomas A., Jr. Mirabile et al, the two (2) following courses and distances:

1. South 85 degrees 21 minutes 36 seconds West for a distance of 132.06 feet to a point of curvature;
2. By a line curving to the right through an angle of 18 degrees 48 minutes 19 seconds, having a radius of 281.00 feet, an arc length of 92.23 feet and whose long chord bears North 85 degrees 14 minutes 14 seconds West for a distance of 91.82 feet to a point of tangent;

Thence leaving lands of Anna M. and Thomas A, Jr. Mirabile and over and through lands of the grantor herein the two (2) following courses and distances:

1. North 85 degrees 21 minutes 36 seconds East for a distance of 222.56 feet to a point;
2. North 85 degrees 57 minutes 18 seconds East for a distance of 103.05 feet to a point in line of lands of M & B Partners, LLC;

Thence along said lands of M & B Partners, LLC, South 04 degrees 02 minutes 42 seconds East for a distance of 15.00 feet to the place of BEGINNING.

CONTAINING 4,435 square feet of land, be the same more or less.

BEING PART OF THE SAME PREMISES which Thomas A. Mirabile, Jr. and Anthony T. Mirabile, by deed dated September 30, 2008 and recorded in the Office of the Recorder of Deeds in and for the County of Chester in Record Book 7525, page 2390 granted and conveyed unto Tague Family Limited Partnership II, in fee.

BEING UPI #15-9-91.

BEING PART OF THE SAME PREMISES which Ohlert Brothers, Inc., by deed dated September 7, 2011 and recorded in the Office of the Recorder of Deeds in and for the County of Chester in Record Book 8245, page 25 granted and conveyed unto Tague Family Limited Partnership II, in fee.

BEING UPI #15-8-23.

Dated: November 10, 2023