

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

ORDINANCE NO. 2024 - 2380

**ORDINANCE ACCEPTING DEDICATION OF ADDITIONAL
RIGHT-OF-WAY OF MOWERE ROAD**

WHEREAS, THE POLLOCK CORPORATION, a Pennsylvania corporation (“Grantor”), is the owner of two contiguous tracts of land situate along the north side of Mowere Road, between Mowere Road’s intersections with Northridge Drive and Saint Mary Street, in the Borough of Phoenixville, which parcels are more particularly identified as Chester County Tax UPI Numbers 15-4-7 and 15-4-8.1 (collectively the “Premises”); and

WHEREAS, at the request of the Borough of Phoenixville (“Borough”) in order to install right-of-way improvements along Mowere Road and for other permitted public purposes, Grantor agreed to dedicate to the Borough certain additional rights-of-way along the southern property line of the Premises abutting the existing Mowere Road 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 Ordinance 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 Mowere Road Additional 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 No.: 15-4-7 P/O; 15-4-8.1 P/O

DEED OF DEDICATION

195 & 199 Mowere Road Right-of-Way

THIS INDENTURE is made this 14th day of December, 2023,

FROM

THE POLLOCK CORPORATION, a Pennsylvania corporation with an address of 850 Industrial Highway, P.O. Box 759, Pottstown, Pennsylvania 19464, (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, 2nd Floor, Phoenixville, Pennsylvania 19460 (hereinafter referred to as "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, utilities, park, trail, and other public improvements, together with any sidewalks, trails or other improvements located thereon and sanitary sewer

lines, storm sewer lines and utilities constructed thereunder, unto the said Grantee, its successors and assigns.

ALL those certain portions of 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.

ALL those certain portions of tracts or parcels of ground situate in the Borough of Phoenixville, Chester County, Pennsylvania, more particularly described in Exhibit "B" 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 or highway, sidewalk, utilities, park, trail, and 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 or highway, sidewalk, utilities, park, trail, and 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 or highway, sidewalk, utilities, park, trail, and 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 p public street, road or highway, sidewalk, utilities, park, trail, and 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.

[Signature page to follow]

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

GRANTOR:

THE POLLOCK CORPORATION

By: 

Steven M. Abrams, Vice President

ACKNOWLEDGEMENT

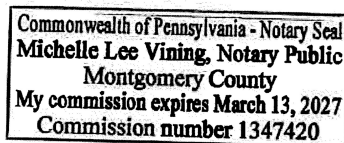
COMMONWEALTH OF PENNSYLVANIA :
: **SS**
COUNTY OF MONTGOMERY :

On this, the 14th day of December, 2023, before the undersigned officer, personally appeared **Steven M. Abrams**, known to me or satisfactorily proven to be the Vice President of The Pollock Corporation, and as such officer, being duly authorized to do so, executed the within instrument on behalf of the entity for the purposes therein contained by signing the name of the entity by himself as such officer.

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

Michelle Lee Vining
Notary Public

My Commission Expires: 3/13/2027



Legal Description UPI 15-4-7 (P/O)

EXHIBIT "A"

**LEGAL DESCRIPTION
ADDITIONAL RIGHT-OF-WAY AREA
OVER A PORTION OF UPI 15-4-7
PHOENIXVILLE BOROUGH,
CHESTER COUNTY, PENNSYLVANIA**

All that certain lot, tract or parcel of land and premises, situate, lying and being in the Borough of Phoenixville, County of Chester, Commonwealth of Pennsylvania, and being more particularly described as follows:

BEGINNING at a point at the intersection of the dividing line between UPI #15-4-7 to the east and UPI #15-4-62 to the west with the northerly right-of-way line of Mowere Road (50' wide along UPI #5-4-7), said point being the following course and distance from a spike found in the bed of Mowere Road along said dividing line extended, North 6 degrees 07 minutes 17 seconds West, a distance of 24.87 to the point of beginning, and running thence;

1. Along said dividing line between UPI #15-4-7 and UPI #15-4-62, North 6 degrees 07 minutes 17 seconds West, a distance of 1.34 feet to a point; thence
2. South 87 degrees 04 minutes 47 seconds East, a distance of 78.26 feet to a point of curvature; thence
3. Along an arc of a curve to left, having a radius of 952.25 feet, an arc distance of 41.28 feet and a delta of 2 degrees 29 minutes 01 seconds, with a chord bearing of South 88 degrees 19 minutes 18 seconds East, a distance of 41.27 feet to a point of tangency; thence
4. South 89 degrees 33 minutes 48 seconds East, a distance of 248.78 feet to a point; thence
5. Along the dividing line between UPI #15-4-8.1 to the east and UPI # 15-4-7 to the west, South 10 degrees 18 minutes, 11 seconds west, a distance of 9.93 feet to a point; thence
6. Along said northerly right-of-way line of Mowere Road, along an arc of a curve to left, having a radius of 1115.43 feet, an arc distance of 33.97 feet and a delta of 1 degrees 44 minutes 41 seconds, with a chord bearing of South 85 degrees 58 minutes 31 seconds West, a distance of 33.96 feet to a point of a reverse curve; thence
7. Along the same, along an arc of a curve to right, having a radius of 1053.83 feet, an arc distance of 143.34 feet and a delta of 7 degrees 47 minutes 35 seconds, with a chord bearing of North 89 degrees 13 minutes 34 seconds West, a distance of 143.23 feet to a point of tangency; thence
8. Still along the same, North 85 degrees 10 minutes 25 seconds West, a distance of 189.84 feet to the point and place of BEGINNING.

Containing within said bounds 3,370 Sq. Ft. (0.077 acres) of land, more or less.

This description was written accordance with a filed plan entitled "Dedication Plan Exhibit, Mowere Road, UPI# 15-4-7 & UPI# 15-4-8.1, Borough of Phoenixville, Chester County, Pennsylvania", prepared by Remington & Vernick Engineers, Project No. PCPBT064, dated May 11, 2023.

Date: 5/11/23
Revised: 5/15/2023



Brian T. Yorkiewicz, P.L.S.
PA. License No. SU075193

Legal Description UPI 15-4-8.1 (P/O)

EXHIBIT "B"

**LEGAL DESCRIPTION
ADDITIONAL RIGHT-OF-WAY AREA
OVER A PORTION OF UPI 15-4-8.1
PHOENIXVILLE BOROUGH,
CHESTER COUNTY, PENNSYLVANIA**

All that certain lot, tract or parcel of land and premises, situate, lying and being in the Borough of Phoenixville, County of Chester, Commonwealth of Pennsylvania, and being more particularly described as follows:

BEGINNING at a point at the intersection of the dividing line between UPI #15-4-8.1 to the east and UPI #15-4-7 to the west with the northerly right-of-way line of Mowere Road (60' wide along UPI #5-4-8.1) and running thence

1. Along said dividing line between UPI #15-4-8.1 and UPI #15-4-7, North 10 degrees 18 minutes 11 seconds East, a distance of 4.79 feet to a point; thence
2. South 89 degrees 33 minutes 48 seconds East, a distance of 44.61 feet to a point; thence
3. South 2 degrees 24 minutes 29 seconds East, a distance of 2.84 feet to a point; thence
4. Along said northerly right-of-way line of Mowere Road, along an arc of a curve to left, having a radius of 1403.31 feet, an arc distance of 45.61 feet and a delta of 1 degrees 51 minutes 44 seconds, with a chord bearing of South 88 degrees 04 minutes 30 seconds West, a distance of 45.61 feet to the point and place of BEGINNING.

Containing within said bounds 164 Sq. Ft. (0.004 acres) of land, more or less.

This description was written accordance with a filed plan entitled "Dedication Plan Exhibit, Mowere Road, UPI# 15-4-7 & UPI# 15-4-8.1, Borough of Phoenixville, Chester County, Pennsylvania", prepared by Remington & Vernick Engineers, Project No. PCPBT064, dated May 11, 2023.

Date: 5/3/23
Revised: 5/15/2023



Brian T. Yorkiewicz, P.L.S.
PA. License No. SU075193