RESOLUTION NO. 2020-48

CALN TOWNSHIP

CHESTER COUNTY, PENNSYLVANIA

RESOLUTION OF ACCEPTANCE OF DEED OF DEDICATION OF ADDITIONAL RIGHT OF WAY OF MOORE ROAD

BE AND IT IS HEREBY RESOLVED, that the Board of Commissioners of the Township of Caln, Chester County, Pennsylvania, accepts the attached Deed of Dedication of Additional Right of Way of Moore Road as more particularly described in the foregoing Deed as and for a public street/road, for permanent maintenance, to be hereafter a part of the road system of the Township of Caln, to the same extent and with the same effect as if said street/road had been opened by a Decree of the Court of Common Pleas of the County of Chester after proceedings duly had for that purpose under and in pursuance of the Road Laws of the Commonwealth of Pennsylvania.

RESOLVED, APPROVED AND ADOPTED by the Board of Commissioners of Caln Township on the 8 day of October, 2020.

ON BEHALF OF
CALN TOWNSHIP
BOARD OF COMMISSIONERS

ATTEST:

Kristen Denne, Secretary

Paul Mullin, President

RESOLUTION ACTION RECORD

Resolution Type: _____ No. _____

Pertaining to: _____

Duly adopted at a meeting of the Board of Commissioners held: _____

Motion by: _____ Seconded by: _____

	VOTE: YES	NO	ABSTAIN	ABSENT
President: Mr. Mullin				
Vice President: Ms. Kennedy				
Commissioner Young				
Commissioner Tindaro				
Commissioner Evans				

PREPARED BY & RETURN TO:
Riley Riper Hollin & Colagreco
Attn.: Alyson M. Zarro, Esquire
717 Constitution Drive
Suite 201
Exton, PA 19341
610-458-4400

UPI No. Road Right-of-Way

DEED OF DEDICATION
ROAD RIGHT-OF-WAY – MOORE ROAD

THIS DEED OF DEDICATION, made the _____ day of _____, 2020, and effective the _____ day of _____, 2020, by and between **U.S. HOME CORPORATION D/B/A/ LENNAR**, a Delaware corporation with an address of 1285 Drummers Lane, Suite 100, Wayne, Pennsylvania 19087 (hereinafter called "Grantor"); and

CALN TOWNSHIP, a Township of the First Class organized and existing under the laws of the Commonwealth of Pennsylvania with an address of 253 Municipal Drive, Thorndale, Pennsylvania 19372 (hereinafter called "Grantee").

WHEREAS, Grantor is the owner of a certain tract of ground located in Caln Township, Chester County, Pennsylvania ("Property") on which it intends to develop an age-restricted residential development in accordance with a Final Subdivision and Land Development Plan for the Villages at Hillview prepared by D.L. Howell & Associates, Inc., Sheets 1 through 36, dated July 27, 2018 and last revised September 11, 2020, which was recorded in the Office of the Chester County Recorder of Deeds in Plan Book No. _____ ("Plan"); and

WHEREAS, the Plan provides for dedication to Grantee of additional right-of-way of Moore Road to Grantee pursuant to the Plan.

WITNESSETH:

NOW, THEREFORE, that the said Grantor, for and in consideration of One Dollar ($1.00), as well as the advantage to it accruing, as well as for divers and other considerations affecting the public welfare which it seeks to advance, has granted, bargained, dedicated and conveyed, and by these presents does grant, bargain, dedicate and convey unto the said Grantee, its successors and assigns:

ALL THAT CERTAIN road right-of-way shown on Exhibit "A" attached hereto and made a part hereof and described in Exhibit "B" attached hereto and made a part hereof, identified as Moore Road.

TO HAVE AND TO HOLD, the said road right-of-way 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 public road right-of-way and for no other use or purpose whatsoever and to the same extent and with the same effect as if the said road had been opened by a Decree of the Chester County Court of Common Pleas, after proceedings duly had for that purpose under and in pursuance of the road laws of the Commonwealth of Pennsylvania.

UNDER AND SUBJECT, nevertheless, to any covenants, conditions, restrictions and easements of record.

AND the Grantor, for itself, its successors and assigns, does by these presents confirm, promise and agree to and with the Grantee, its successors and assigns, that neither the Grantor, nor its successors and assigns, will at any time hereafter ask, demand or recover or receive of or from the Grantee, its successors and assigns, any sums 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.

AND FURTHER, that 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 the public improvements above-described, conveyed by the Grantor to the said Grantee by this Deed, against the said Grantor, its successors and assigns, and against any and all person or persons whatsoever lawfully claiming or to claim the same or any part thereof, by, from or under the said Grantor, or it, them, or any of them, shall and will forever WARRANT AND DEFEND.

SIGNATURE PAGE FOLLOWS

IN WITNESS WHEREOF, Grantor has caused this instrument to be executed by its duly authorized officer the day and year above written.

U.S. HOME CORPORATION D/B/A
LENNAR, a Delaware corporation

ATTEST:

By: _____
Name:
Title:

By: _____
Michael Tench Trighman
Vice President

ACCEPTED by Caln Township on _____, 2020.

Attest:

CALN TOWNSHIP

By: _____
Kristen Denne, Township Secretary

By: _____
Paul Mullin, President

I hereby certify that the address of the within named Grantee is:

253 Municipal Drive
Thorndale, PA 19372

_____
On behalf of the Grantee

ACKNOWLEDGMENT

COMMONWEALTH OF PENNSYLVANIA)
) ss.
COUNTY OF Chester)

On the 25th day of September, 2020, before me, a Notary Public in and for the above County and State, personally appeared Michael Tench Tilghman, who acknowledged himself to be the Vice President of U.S. HOME CORPORATION D/B/A LENNAR, a Delaware corporation, and that he as such officer executed the foregoing instrument for the purposes therein contained upon full and due authority.

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

Jennifer M. Pedley
Notary Public

Commonwealth of Pennsylvania - Notary Seal
JENNIFER M. PEDLEY, Notary Public
Delaware County
My Commission Expires March 5, 2023
Commission Number 1288726

My Commission Expires:
March 5, 2023

ACKNOWLEDGMENT

COMMONWEALTH OF PENNSYLVANIA)
) ss.
COUNTY OF CHESTER)

On the _____day of _____, 2020, before me, a Notary Public in and for the above County and State, personally appeared Paul Mullin, who acknowledged himself to be the President of the Caln Township Board of Commissioners, and that he as such officer executed the foregoing instrument for the purposes therein contained upon full and due authority.

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

_____
Notary Public

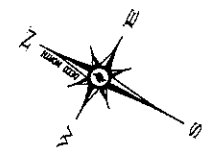
My Commission Expires:

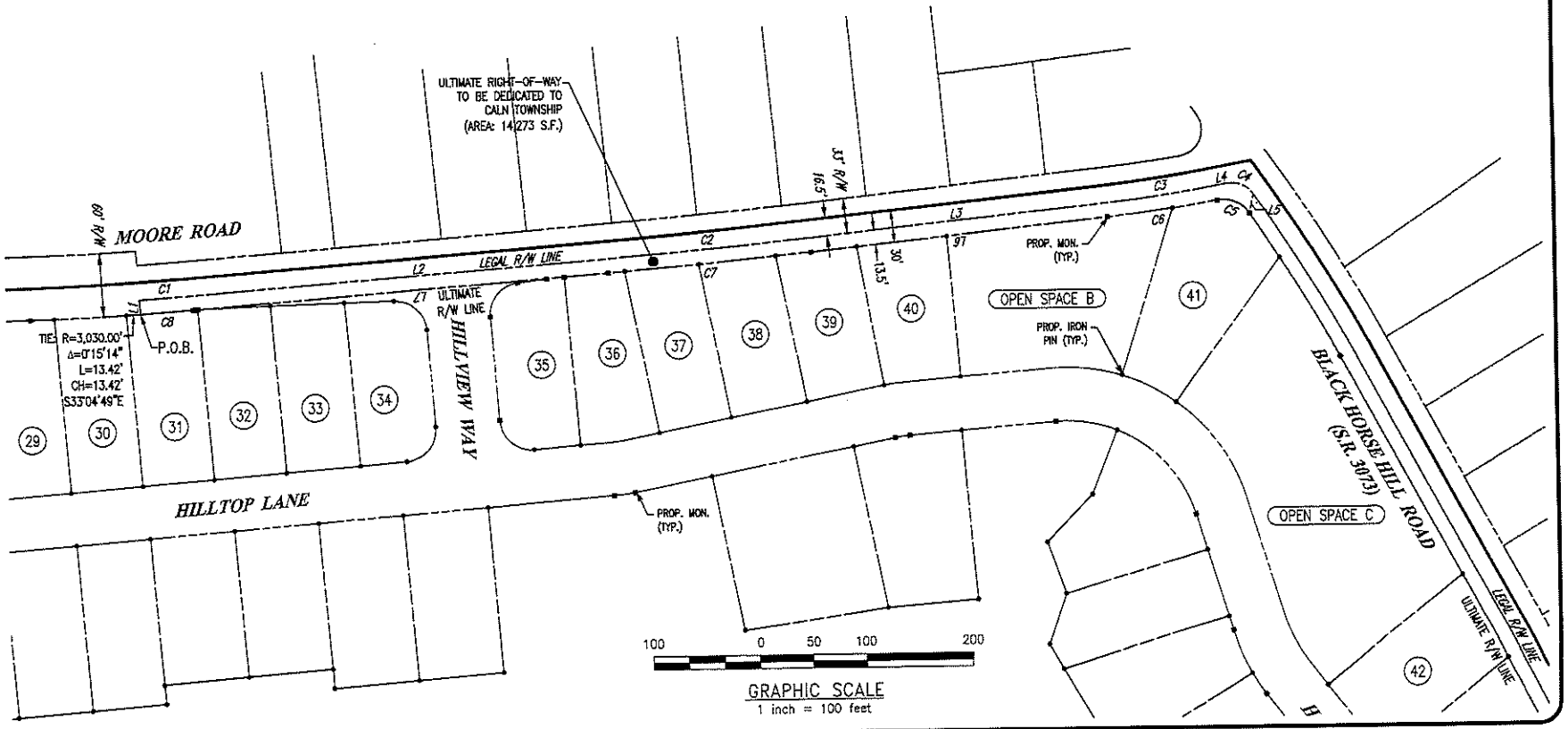
Proposed Right-of-Way Line Table		
Line #	Direction	Length
L1	N56° 47' 34"E	13.50'
L2	S34° 08' 21"E	389.90'
L3	S35° 41' 57"E	280.53'
L4	S40° 22' 52"E	7.13'
L5	S73° 25' 41"W	18.21'
L6	N35° 41' 57"W	280.53'
L7	N34° 08' 21"W	389.90'

Proposed Right-of-Way Curve Table					
Curve #	Radius	Length	Delta	Chord Direction	Chord Length
C1	3016.50'	49.07	000°55'55"	S33°40'24"E	49.07'
C2	7016.50'	191.02	001°33'36"	S34°55'09"E	191.02'
C3	1316.50'	107.58	004°40'55"	S38°02'24"E	107.55'
C4	25.00'	28.68	065°44'19"	S07°30'42"E	27.14'
C5	30.00'	34.56	066°00'26"	N07°10'18"W	32.68'
C6	1330.00'	103.91	004°28'35"	N37°56'14"W	103.88'
C7	7030.00'	191.39	001°33'36"	N34°55'09"W	191.38'
C8	3030.00'	49.29	000°55'55"	N33°40'24"W	49.29'

REFERENCE PLANS:

1. PLAN ENTITLED "PHASE II FINAL PLAN – RECORD PLAN – HILL FARM AGE QUALIFIED RESIDENTIAL COMMUNITY", PREPARED BY GILMORE & ASSOCIATES, INC., KENNETT SQUARE, PA, DATED 8-11-03, LAST REVISED 6-5-06, RECORD PLAN BOOK 18082.
2. PLAN ENTITLED "FINAL SUBDIVISION PLAN – THE VILLAGES AT HILLVIEW", PREPARED BY DL HOWELL & ASSOCIATES, INC., WEST CHESTER, PA, DATED 07/27/18, LAST REVISED 05/01/20.





HowellKline
Land Surveying
Boundary / Topographic
Construction / Alta-Acsm
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COMMONWEALTH OF PENNSYLVANIA
REGISTERED PROFESSIONAL
THOMAS KILBORNE PHILLIPS
LAND SURVEYOR
No. 53399-E

DATE: 6/22/2020
DRAWN: TKP
PLOTTED ON:
SCALE: 1"=100'
CHECKED: MAW
CAD FILE: 12858 ROW EXHIBIT-4.DWG

RIGHT-OF-WAY DEDICATION

CLIENT: HILL VIEW III, LLC
PROJECT: VILLAGES AT HILLVIEW SECTION III
MOORE ROAD
LOCATION: CALN TOWNSHIP, CHESTER COUNTY, PA

EXHIBIT "B"

Legal Description
ULTIMATE RIGHT-OF-WAY
MOORE ROAD
For
HILL VIEW III, LLC

All that certain right-of-way situate in the Township of Caln, County of Chester, Commonwealth of Pennsylvania, as shown on plan entitled "Right-Of-Way Dedication – Villages at Hillview Section III", dated 6/22/2020, prepared for Hill View III, LLC, by Howell Kline Surveying, LLC, West Chester, PA, and to be recorded in the office of the Recorder Of Deeds in and for the County of Chester with this document, said plan being based upon a plan entitled "Final Subdivision Plan – The Villages at Hillview", prepared by DL Howell & Associates, Inc., West Chester, PA, dated 07/27/2018, last revised 05/01/2020, being more particularly described as follows:

Beginning at a point on the southwesterly ultimate right-of-way line of Moore Road (30 feet distant from and parallel with the centerline therein), said point being located along said southwesterly ultimate right-of-way line of Moore Road, along a curve to the right, having a radius of 3,030.00 feet, an arc length of 13.42 feet, through an angle of 0°15'14", and whose chord bears South 33°04'49" West, 13.42 feet from a rebar to be set at its intersection with the dividing line between Lot 30 and Lot 31 as shown on said plan; thence from said **Point of Beginning**, leaving said southwesterly ultimate right-of-way line of Moore Road, North 56°47'34" East, 13.50 feet to a point of non-tangent curve on the southwesterly legal right-of-way line of Moore Road (16.5 feet distant from and parallel with the centerline therein); thence, along said southwesterly legal right-of-way line of Moore Road the following seven (7) courses and distances: 1) along said curve to the left, having a radius of 3,016.50 feet, an arc length of 49.07 feet, through a central angle of 0°55'55" and whose chord bears South 33°40'24" East, 49.07 feet to a point of tangency; 2) South 34°08'21" East, 389.90 feet to a point of curvature; 3) along said curve to the left, having a radius of 7,016.50 feet, an arc length of 191.02 feet, through a central angle of 1°33'36" and whose chord bears South 34°55'09" East, 191.02 feet to a point of tangency; 4) South 35°41'57" East, 280.53 feet to a point of curvature; 5) along said curve to the left, having a radius of 1,316.50 feet, an arc length of 107.58 feet, through a central angle of 4°40'55" and whose chord bears South 38°02'24" East, 107.55 feet to a point of tangency; 6) South 40°22'52" East, 7.13 feet to a point of curvature; and

7) along said curve to the right, having a radius of 25.00 feet, an arc length of 28.68 feet, through an angle of 65°44'19", and whose chord bears South 7°30'42" East, 27.14 feet to a point of non-tangency; thence, leaving said southwesterly legal right-of-way line of Moore Road, South 73°25'41" West, 18.21 feet to a monument to be set at a point of non-tangent curve on said southwesterly ultimate right-of-way line of Moore Road, being a corner of Lot 41; thence, along said southwesterly ultimate right-of-way line of Moore Road, the following six (6) courses and distances: 1) along Lot 41, along said curve to the left, having a radius of 30.00 feet, an arc length of 34.56 feet, through an angle of 66°00'26", and whose chord bears North 7°10'18" West, 32.68 feet to a monument to be set at a point of reverse curve; 2) continuing along Lot 41, and partly along Open Space B, along said curve to the right, having a radius of 1,330.00 feet, an arc length of 103.91 feet, through a central angle of 4°28'35" and whose chord bears North 37°56'14" West, 103.88 feet to a monument to be set at a point of tangency; 3) continuing along Open Space B, Lot 40, and partly along Lot 39, North 35°41'57" West, 280.53 feet to a monument to be set at a point of curvature; 4) continuing along Lot 39, Lot 38, Lot 37 and partly along Lot 36, along said curve to the right, having a radius of 7,030.00 feet, an arc length of 191.39 feet, through a central angle of 1°33'36" and whose chord bears North 34°55'09" West, 191.38 feet to a monument to be set at a point of tangency; 5) continuing along Lot 36, and along the northeasterly terminus of Hillview Way, North 34°08'21" West, 389.90 feet to a monument to be set at a point of curvature, being a corner of Lot 31; and 6) along Lot 31, along said curve to the right, having a radius of 3,030.00 feet, an arc length of 49.29 feet, through an angle of 0°55'55", and whose chord bears North 33°40'24" West, 49.29 feet to the **Point and Place of Beginning**.

Containing: 14,273 Square Feet of Land, be the same more or less.

Being: "Ultimate Right-Of-Way to be dedicated to the Caln Township" as shown on said plan.

Being: A part of the same premises which Joseph Behrle by deed dated April 24th, 2019 and recorded May 2nd, 2019, in the office of the Recorder of Deeds, in and for Chester County in Record Book 9917, Page 314 granted and conveyed to Hill View III, LLC.

Subject to: Any easements or encumbrances as may appear of record.
Prepared: June 22, 2020
12858 Legal Description - Ultimate ROW-2.docx

COMMONWEALTH OF PENNSYLVANIA
REGISTERED PROFESSIONAL
THOMAS KILBORNE PHILLIPS
LAND SURVEYOR No.55399-E

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