

RESOLUTION NO. 2020-49

CALN TOWNSHIP

CHESTER COUNTY, PENNSYLVANIA

**RESOLUTION OF ACCEPTANCE OF DEED OF DEDICATION
OF ADDITIONAL RIGHT OF WAY OF BLACK HORSE HILL 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 Black Horse Hill 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 – BLACK HORSE HILL 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 Black Horse Hill 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 Black Horse Hill 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.

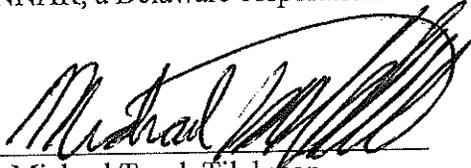
SIGNATURE PAGE FOLLOWS

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 Tilghman
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)
COUNTY OF Chester) ss.

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.

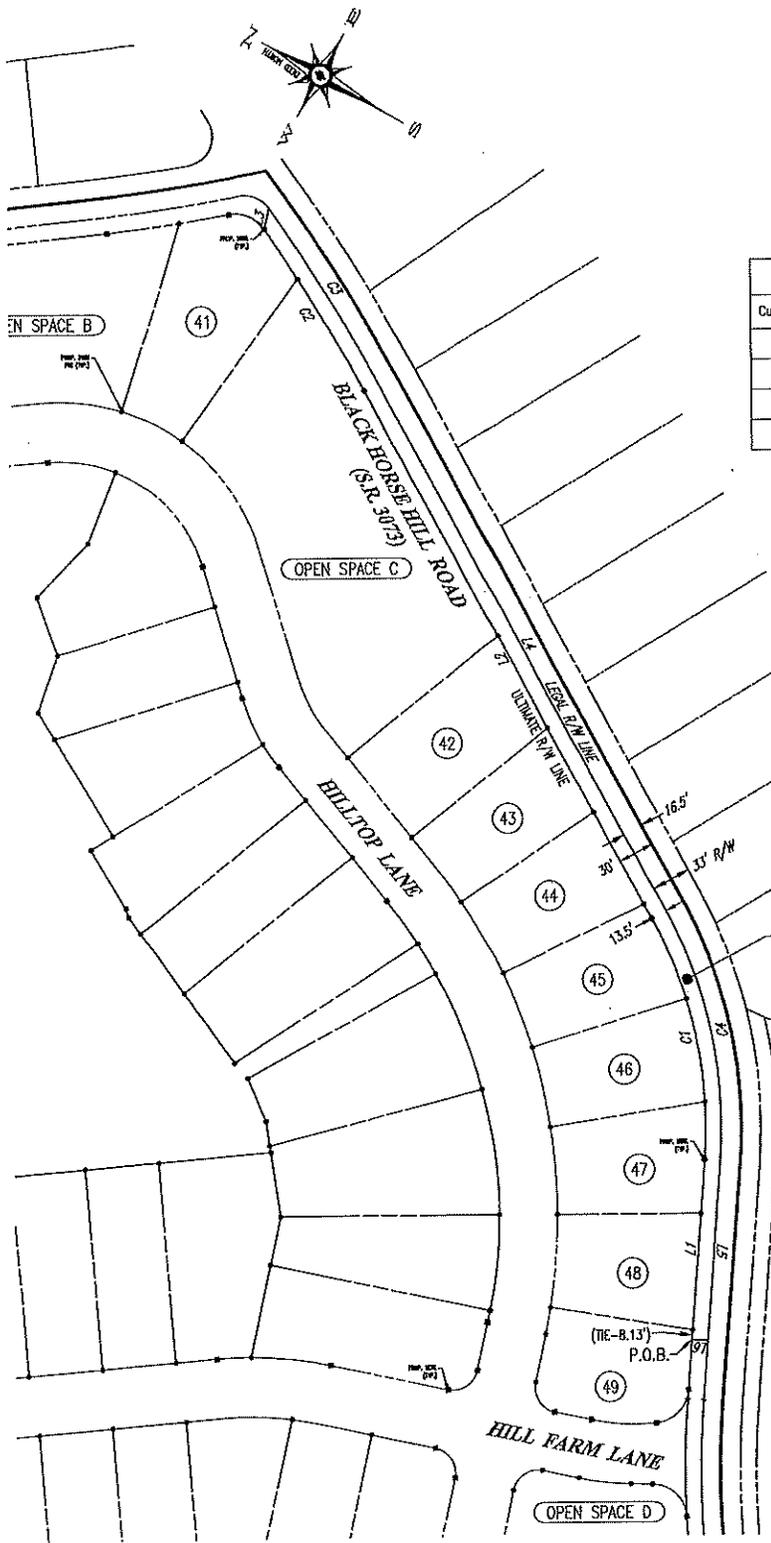
IN WITNESS WHEREOF, I hereunto set my hand and official seal.

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

EXHIBIT "A"



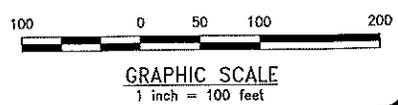
Line #	Direction	Length
L1	N64° 46' 40"E	150.94'
L2	N32° 04' 10"E	506.83'
L3	N73° 25' 41"E	18.21'
L4	S32° 04' 10"W	506.83'
L5	S64° 46' 40"W	150.94'
L6	N25° 13' 20"W	13.50'

Curve #	Radius	Length	Delta	Chord Direction	Chord Length
C1	370.00'	211.22	032°42'30"	N48°25'25"E	208.36'
C2	1470.00'	160.03	006°14'15"	N28°57'02"E	159.95'
C3	1483.50'	173.79	006°42'43"	S28°42'48"W	173.69'
C4	383.50'	218.93	032°42'30"	S48°25'25"W	215.97'

ULTIMATE RIGHT-OF-WAY TO BE DEDICATED TO CALN TOWNSHIP (AREA: 14,037 S.F.)

REFERENCE PLANS:

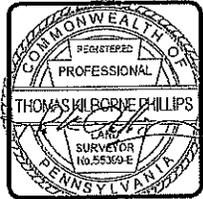
1. PLAN ENTITLED "PHASE II FINAL PLAN - RECORD PLAN - HILL FARM AGE QUALIFIED RESIDENTIAL COMMUNITY", PREPARED BY GILMORE & ASSOCIATES, INC., KENNETT SQUARE, PA, DATED 8-11-03, LAST REVISED 8-5-06, RECORD PLAN BOOK 18062.
2. PLAN ENTITLED "FINAL SUBMISSION PLAN - THE VILLAGES AT HILLVIEW", PREPARED BY DL HOWELL & ASSOCIATES, INC., WEST CHESTER, PA, DATED 07/27/18, LAST REVISED 05/01/20.



DATE: 6/19/2020 SCALE: 1"=100'
 DRAWN: TKP CHECKED: MAW
 PLOTTED ON: CAD FILE: 12856 ROW EXHIBIT-3.DWG

RIGHT-OF-WAY DEDICATION

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



HowellKline
 Land Surveying
 Boundary / Topographic
 Construction / A/E-a/CSm

1250 Whights Lane
 West Chester, PA 19380
 Phone: (610) 918-9004
 Fax: (610) 918-9005
 www.HowellKline.com

EXHIBIT "B"

Legal Description
ULTIMATE RIGHT-OF-WAY
BLACK HORSE HILL 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 6/19/2020, 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 northwesterly ultimate right-of-way line of Black Horse Hill Road (SR 3073) (30 Feet distant from and parallel with the centerline therein), said point being located South 64°46'40" West, 8.13 feet from a rebar to be set at its intersection with the dividing line between Lot 48 and Lot 49 as shown on said plan; thence from said **Point of Beginning**, running along said northwesterly ultimate right-of-way line of Black Horse Hill Road the following four (4) courses and distances: 1) along Lot 49, Lot 48, and partly along Lot 47, North 64°46'40" East, 150.94 feet to a monument to be set at a point of curvature; 2) continuing along Lot 47, Lot 46, and partly along Lot 45, along said curve to the left, having a radius of 370.00 feet, an arc length of 211.22 feet, through a central angle of 32°42'30" and whose chord bears North 48°25'25" East, 208.36 feet to a monument to be set at a point of tangency; 3) continuing along Lot 45, Lots 44, 43, 42, and partly along Open Space C, North 32°04'10" East, 506.83 feet to a monument to be set at a point of curvature; and 4) continuing along Open Space C, and partly along Lot 41, along said curve to the left, having a radius of 1,470.00 feet, an arc length of 160.03 feet, through an angle of 6°14'15", and whose chord bears North 28°57'02" East, 159.95 feet to a point of non-tangency; thence, leaving said northwesterly ultimate right-of-way line of Black Horse Hill Road, North 73°25'41" East, 18.21 feet to a point of non-tangent curve on the northwesterly legal right-of-way line of Black Horse Hill Road (16.5 feet distant from and parallel with the centerline therein); thence, along the same the following four (4) courses and distances: 1) along said curve to the right, having a radius

of 1,483.50 feet, an arc length of 173.79 feet, through a central angle of 6°42'43" and whose chord bears South 28°42'48" West, 173.69 feet to a point of tangency; 2) South 32°04'10" West, 506.83 feet to a point of curvature; 3) along said curve to the right, having a radius of 383.50 feet, an arc length of 218.93 feet, through a central angle of 32°42'30" and whose chord bears South 48°25'25" West, 215.97 feet to a point of tangency; and 4) South 64°46'40" West, 150.94 feet to a point; thence, leaving said northwesterly legal right-of-way line of Black Horse Hill Road, North 25°13'20" West, 13.50 feet to the **Point and Place of Beginning**.

Containing: 14,037 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

