

CALN TOWNSHIP

CHESTER COUNTY, PENNSYLVANIA

**RESOLUTION OF ACCEPTANCE OF DEED OF DEDICATION
FOR ADDITIONAL RIGHT OF WAY OF SOUTH CALN ROAD**

RESOLUTION 2022-19

BE AND IT IS HEREBY RESOLVED, that the Board of Commissioners of Caln Township, Chester County, Pennsylvania, accepts the attached Deed of Dedication and the right of way which is more particularly described in Exhibit "A" of the foregoing Deed as and for additional right of way of South Caln Road, to be hereafter a part of the road system of Caln Township, 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 14th day of April 2022.

ATTEST:

**ON BEHALF OF THE
BOARD OF COMMISSIONERS OF
CALN TOWNSHIP**

Kristen Denne,
Township Secretary

BY:

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	_____	_____	_____	_____

**RETURN TO:
CALN TOWNSHIP
253 MUNICIPAL DRIVE
THORNDALE, PA 19372**

UPI Nos: 39-3M-91.1

DEED OF DEDICATION

THIS INDENTURE made this 3rd day of December, 2021 between **RICHARD J. and SARAH ZIOBRO** party of the first part (hereinafter called Grantor) being the owner and party in interest in and to certain improvements being hereinafter conveyed as and for public roads and associated improvements and **THE TOWNSHIP OF CALN**, County of Chester, Commonwealth of Pennsylvania, (hereinafter called Grantee).

WITNESSETH:

THAT the said Grantor for and in consideration of the advantage to it accruing as well as for divers other considerations affecting the public welfare which it seeks to advance, has granted, bargained, sold, aliened, enfeoffed, released and confirmed and by these presents does grant, bargain, sell, alien, enfeoff, release and confirm unto the said Grantee, its successors and assigns, the following right of way and temporary construction easement along South Caln Road; as more fully described in Exhibits A, B, and C attached hereto.

TO HAVE AND TO HOLD, the said improvements above described unto the Grantee, to and in the only proper use and behoof said Grantee, its successors and assigns, forever, as and for a public street or highway and for no other use or purpose whatsoever and to the same extent and with the same effect as if the said street had been opened by a Decree

of the Court of Common Pleas of Chester County after proceedings duly had for that purpose under and in pursuance of the Road Laws of the Commonwealth of Pennsylvania.

AND the said Grantor, for itself, its successors and assigns by these presents, covenants, promises and agrees to and with the said Grantee, its successors and assigns, shall nor will at any time hereafter ask, demand, or recover or receive of or from the said 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 streets to the grade as now established by the Township of Caln and if such grade shall not be established at the day of the date of these presents that neither the said Grantor, nor his heirs, executors and administrators, shall nor will at anytime thereafter ask, demand, recover, or receive any such damage by reason of the physical grading of said Street to conform to the grades as first thereafter established or confirmed by the said Township of Caln, Grantee.

AND the said Grantor, for itself, its successors and assigns does by these presents, further covenant, promise and agree to and with said Grantee, its successors and assigns, that the said improvements above described unto the said Grantee, its successors and assigns, against him 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 him or them or any of them shall and will warrant and forever defend.

IN WITNESS WHEREOF, the said Grantor has caused these presents to be duly executed and its common or corporate seal hereto affixed, the day and year first above written.

Richard J. Ziobro
Richard J. Ziobro

Sarah Ziobro
Sarah Ziobro

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF CHESTER

On this, the 3rd day of December, 2021, before me, the undersigned officer personally appeared Richard J. Ziobro and Sarah Ziobro, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged that he executed the same for the purposes therein contained.

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

~~Commonwealth of Pennsylvania - Notary Seal
Heather C. Rogers, Notary Public
My commission expires October 24, 2024
Commission number 1301578
Member, Pennsylvania Association of Notaries~~

Heather C. Rogers
NOTARY PUBLIC

Commonwealth of Pennsylvania - Notary Seal
Heather C. Rogers, Notary Public
Chester County
My commission expires October 24, 2024
Commission number 1301578
Member, Pennsylvania Association of Notaries

EXHIBIT "A"

LEGAL DESCRIPTION RIGHT OF WAY



Legal Description
RIGHT-OF-WAY TO BE DEDICATED
To
CALN TOWNSHIP
Over Lands Of
RICHARD J. ZIOBRO AND SARAH ZIOBRO
(UPI #39-3M-91.1)
For
SOUTHDOWN PROPERTIES, INC.

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 Exhibit – 39-3M-91.1 - South Caln Road" dated 03/03/17, prepared for Southdown Properties, Inc., by DL Howell & Associates, Inc., Civil Engineers, 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, being more particularly described as follows:

Beginning at a point on the existing southerly right-of-way line of South Caln Road (33 Feet Wide) at its intersection with the dividing line between lands now or late of Christopher B. Newton and Jeannette T. Newton (UPI #39-3M-91.2), and lands now or late of Richard J. Ziobro and Sarah Ziobro (UPI #39-3M-91.1) as shown on said plan; thence from said **Point of Beginning**, running along said existing southerly right-of-way line of South Caln Road, North 82°42'00" East, 88.93 feet, more or less, to a point on the westerly line of lands now or late of Robert Horton (UPI #39-3M-92); thence, along the same, South 10°42'08" East, 14.98 feet, more or less, to a point; thence, running through said lands of Ziobro, along a Temporary Grading Easement the following two (2) courses and distances: 1) South 82°58'11" West, 68.41 feet, more or less, to a point; and 2) North 89°53'49" West, 21.92 feet, more or less, to a point on the easterly line of said lands of Newton; thence, along the same, North 5°41'42" West, 11.81 feet, more or less, to the **Point and Place of Beginning**.

Containing: 1,291 Square Feet of Land, be the same more or less.

Being: "1,291 S.F. of R.O.W. Shown Shaded to be Dedicated to Caln Township" as shown on said plan.



Subject to: Any easements or encumbrances as may appear of record.

Prepared: November 9, 2021

[10459 Legal Description S. Caln Road on 39-3M-91.1.docx](#)



Howell Kline Surveying, LLC
1250 Wrights Lane, West Chester, PA 19380
Phone: 610-918-9004 - Fax: 610-918-9005
www.HowellKline.com

EXHIBIT "B"

LEGAL DESCRIPTION TEMPORARY GRADING/CONSTRUCTION
EASEMENT



Legal Description
TEMPORARY GRADING EASEMENT
To
CALN TOWNSHIP
Over Lands Of
RICHARD J. ZIOBRO AND SARAH ZIOBRO
(UPI #39-3M-91.1)
For
SOUTHDOWN PROPERTIES, INC.

All that certain easement situate in the Township of Caln, County of Chester, Commonwealth of Pennsylvania, as shown on plan entitled "Right Of Way Exhibit - 39-3M-91.1 - South Caln Road" dated 03/03/17, prepared for Southdown Properties, Inc., by DL Howell & Associates, Inc., Civil Engineers, 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, being more particularly described as follows:

Beginning at a point on the proposed southerly right-of-way line of South Caln Road at its intersection with the dividing line between lands now or late of Christopher B. Newton and Jeannette T. Newton (UPI #39-3M-91.2), and lands now or late of Richard J. Ziobro and Sarah Ziobro (UPI #39-3M-91.1), said point being located South 5°41'42" East, along said dividing line, 11.81 feet, more or less, from its intersection with the existing southerly right-of-way line of South Caln Road (33 Feet Wide) as shown on said plan; thence from said **Point of Beginning**, running through said lands of Ziobro and along said proposed southerly right-of-way line of South Caln Road the following two (2) courses and distances: 1) South 89°53'49" East, 21.92 feet, more or less, to a point; and 2) North 82°58'11" East, 68.41 feet, more or less, to a point on the westerly line of lands now or late of Robert Horton (UPI #39-3M-92); thence, along the same, South 10°42'08" East, 10.20 feet, more or less, to a point; thence, running through said lands of Ziobro, South 77°08'04" West, 91.81 feet, more or less, to a point on said easterly line of Newton; thence, along the same, North 5°41'42" West, 22.24 feet, more or less, to the **Point and Place of Beginning**.

Containing: 1,378 Square Feet of Land, be the same more or less.



Being: "Proposed Temporary Grading Easement Shown Hatched (Width Varies)" as shown on said plan.

Subject to: Any easements or encumbrances as may appear of record.

Prepared: November 9, 2021

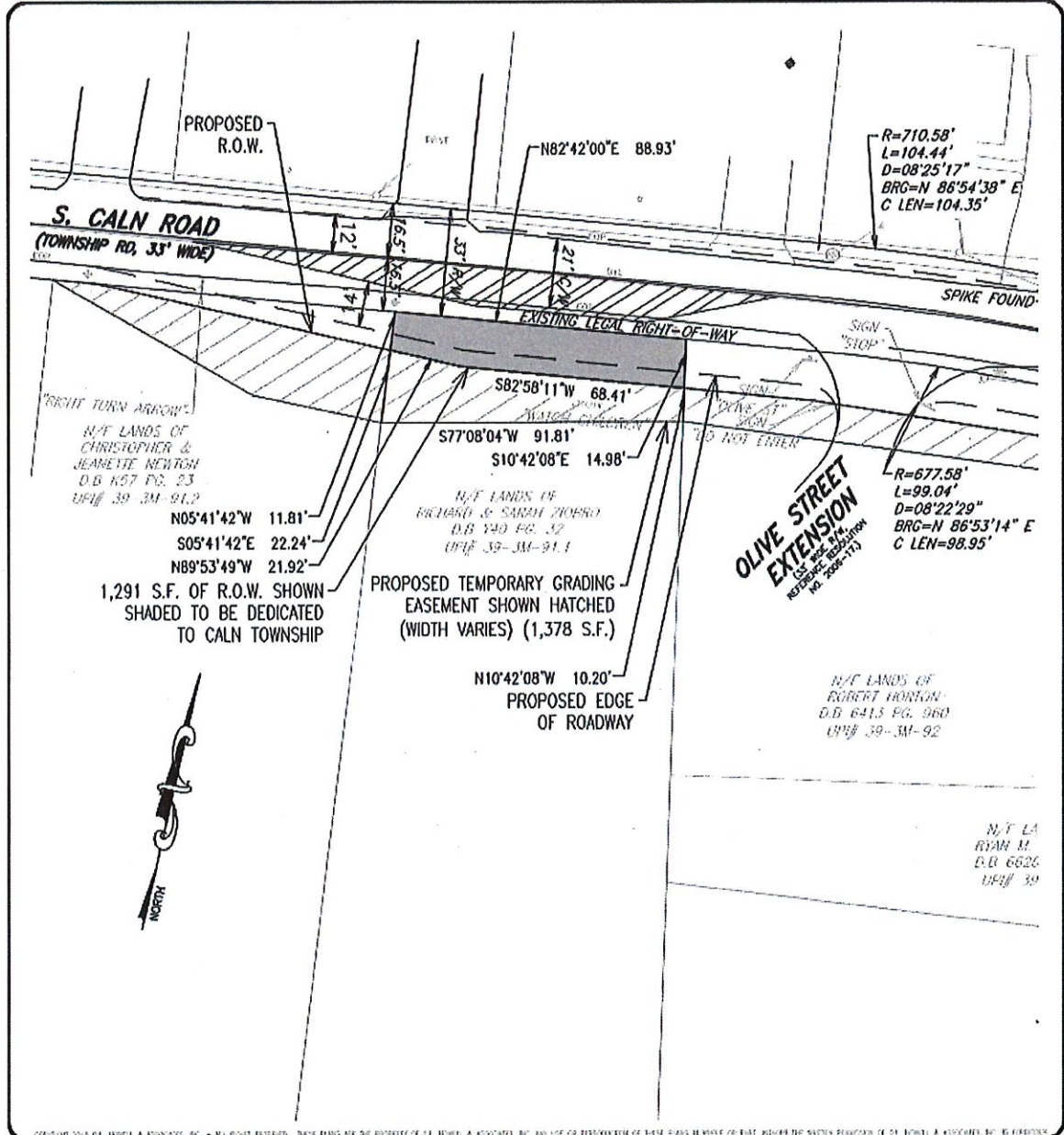
[10459 Legal Description Temp Grading Easement 39-3M-91-1.docx](#)




Howell Kline Surveying, LLC
1250 Wrights Lane, West Chester, PA 19380
Phone: 610-918-9004 - Fax: 610-918-9005
www.HowellKline.com

EXHIBIT "C"

PLAN OF RIGHT OF WAY & TEMPORARY GRADING EASEMENT



PROJECT NO.: 1838	REVISIONS:	DATE: 03/03/17	SCALE: 1"=40'
PLOTTED ON: 03/03/17	RIGHT OF WAY EXHIBIT 39-3M-91.1	DRAWN BY: ADM	CHECKED BY: DWG
DRAWING NO.: EX-2		CAD FILE: 1838 Easement Exhibits.dwg	
	CLIENT: SOUTHDOWN PROP., INC PROJECT: SOUTH CALN ROAD LOCATION: CALN TOWNSHIP, CHESTER COUNTY, PA	 <p>DLHowell Civil Engineering & Land Planning</p> <p><small>1001 South Lane P.O. Box 5000, PA 19300 Phone: 610-338-2000 Fax: 610-338-2001</small></p> <p>www.DLHowell.com</p>	