

February 11, 1988

Vacating a Portion of Township Road T-412 (Old White Church)

OF THE BOARD OF SUPERVISORS OF MOUNT JOY TOWNSHIP
SETTING FORTH ITS REASONS FOR VACATING THE PROTION OF
TOWNSHIP ROAD T-412 (OLD WHITE CHURCH ROAD) ABANDONED IN
1966 ON RELOCATION OF SAID ROAD TO ELIMINATE DANGEROUS
CURVE.

WHEREAS, the Board of Supervisors duly advertised its intention to adopt an ordinance to vacate old White Church Road at the regular meeting other Board on Thursday January 14, 1988; and

WHEREAS, all property owners adjacent to the road intended by the Township Board to be vacated were duly notified of the Board's intention to hold a public hearing on January 14, 1988, and

WHEREAS, the Second Class Township Code vest authority in the Township Supervisors to vacate any public road deemed in the judgment of the Supervisors to be useless, inconvenient, burdensome or unnecessary for public convenience; and

WHEREAS, the Township has not maintained that portion of Township Road T-412 (Old White Church Rd.) since 1966; and

WHEREAS, the Township received in 196 a consent to the formal vacation of old White Church Road abandoned n 1966 signed by Kenneth C. Kime, Sharon e. Kime, Louis J. Shuba, Priscilla F. Shuba, William P.K. Himmelerich, Ethel M. Himmelerich, H. Thomas Pyle and Michealla S. Pyle, a copy of which is attached hereto; and

WHEREAS, Louis J. Shuba, Priscilla F. Shuba, Louis S. Rice and Julia S. Rice (assigns of H. Thomas Pyle and Michealla S. Pyle,)Harry W. Bowers, Gladys P. Bowers, Kenneth C. Kime and Sharon E. Kime all now have access to their respective properties along old White Church Road by virtue of a reciprocal grant of right-of-way dated November 4, 1986 which appears of record in the Office of the Recorder of Deeds of Adams County, Pennsylvania in Record Book 440 at page 825; and

WHEREAS, William P.K. Himmelerich and Ethel M. Himmelerich were granted a right-of-way to their property adjacent to old White Church Road by virtue of their deed dated November 1, 1966, recorded in the aforesaid Recorder's Office in Deed Book 259 at page 762; and

WHEREAS, Harry W. Bowers and Gladys P. Bowers each signed an authorization and release dated February 25, 1966 authorizing the Township to relocate White Church Road; and

WHEREAS, Harry W. Bowers and Gladys P. Bowers thereafter conveyed 10 acre tracts of land along old White Church Road to (i) the predecessors in title of Louis J. Shuba and

Priscilla F. Shuba describing the road in the deed therefor as “former Township Route T-412” and (ii) to Kenneth C. Kime and Sharon E. Kime describing said road as “old Township Road T-412”; and

WHEREAS, the Township has expended public funds for surveying, advertising and legal fees and costs to adopt the proposed ordinance to vacate old White Church Road.

NOW, THEREFORE, BE IT RESOLVED by the board of this Township as follows:

1. The Township intended to, but did not formally, vacate that portion of Township Road T-412 (old White Church Road) abandoned in 1966 upon relocation of said road.
2. It does not appear from public records that any of the property owners adjacent to said old White Church Road knew or had reason to believe that said road was “in fact” a public road when they purchased their respective properties.
3. The road intended to be vacated has been unnecessary for public convenience since its abandonment in 1966 upon relocation of White Church Road.
4. The property owners adjacent to the road intended to be abandoned will not be seriously inconvenienced by the vacating of such road since all of said adjacent property owners have recorded rights-of way assuring access to their respective properties.
5. The road intended to be abandoned is useless, inconvenient, burdensome, and unnecessary for public convenience.

(Signed and Sealed)