

ORDINANCE NO. 2017-16

AN ORDINANCE OF THE TOWNSHIP OF RADNOR, COUNTY OF DELAWARE, PENNSYLVANIA VACATING A PORTION OF BELROSE LANE EXTENDING BETWEEN HUSTON ROAD AND GLENMARY LANE WITH THE EXCEPTION OF RADNOR'S EASEMENT RIGHTS IN THE SEWER FACILITIES LOCATED WITHIN THE EXISTING RIGHT OF WAY.

WHEREAS, a road deed of dedication for Belrose Lane was executed and dedicated to Radnor Township ("Township") on December 15, 1967 and was recorded in the Office of the Recorder of Deeds of Delaware County on May 9, 1968 a copy of which is attached hereto and incorporated herein as *Exhibit "A"*; and

WHEREAS, Belrose Lane was never improved or physically opened by the Township to vehicular traffic; and

WHEREAS, property owners adjacent to Belrose Lane filed a quiet title action against the Township at Delaware County Docket #2000-09518 asserting that title to a dedicated but unopened and unimproved road should revert back to the adjacent property owners; and

WHEREAS, the Delaware County Court of Common Pleas entered an Order on December 21, 2005 ("2005 Order"), attached hereto and incorporated herein as *Exhibit "B"*, ordering Radnor Township to vacate its public road interest or title in that portion of Belrose Lane between Huston Road and Glenmary Lane except for the Township's obligation to own, maintain, and/or improve the sewer line located therein; and

WHEREAS, the 2005 Order to vacate Belrose Lane between Huston Road and Glenmary Lane, upon enactment of this Ordinance, will vest title in all abutting landowners free and clear of the public right of way; and

WHEREAS, the properties and abutting landowners ("Abutting Landowners") to Belrose Lane extending between Huston Road and Glenmary Lane as shown on *Exhibit "C"* include:

- a) Barry Howard and Elayne B. Howard, 475 Glenmary Lane, TMP #36-14-021-000, folio#36-02-00803-00.
- b) Joshua S. Gross and Mackenzie L. Gross, 600 Huston Road, TMP #36-14-019-000, folio# 36-02-00803-01.
- c) The 500 Huston Road Trust c/o John R. Twombly, 500 Huston Road, TMP #36-14-020-000, folio #36-02-00803-02.
- d) William J. Donnell, Jr. and Courtney E. Donnell, 471 Glenmary Lane, TMP #36-14-073-000, folio# 36-02-01002-03.

- e) Michael J. Selverian and Susan M. Selverian, 470 Huston Road, TMP #36-14-074-000.
- f) Joseph M. Mahady and Barbara A. Mahady, 458 Huston Road, TMP #36-14-075-000, folio# 36-02-01144-00.

WHEREAS, the Township desires to and hereby vacates the portion of Belrose Lane extending between Huston Road and Glenmary Lane in accordance with the 2005 Order; and

WHEREAS, upon enactment of this road vacation ordinance and filing with the Recorder of Deeds of Delaware County, the Belrose Lane area as described on **Exhibit "C"** shall be free and clear of any public road rights.

NOW, THEREFORE, pursuant to the 2005 Order, the Board of Commissioners of Radnor Township does hereby ordain as follows:

SECTION 1. Road Vacation. The Township hereby vacates Belrose Lane extending between Huston Road and Glenmary Lane as depicted on the plan attached hereto and incorporated herein as **Exhibit "C"** thereby terminating any public rights in this portion of Belrose Lane except for the Township's access easement rights in maintaining, repairing, and replacing the sewer facilities currently existing within the right of way being vacated.

SECTION 2. Upon recording of this Ordinance with the Recorder of Deeds of Delaware County, each Abutting Landowner shall be vested, free of any public road rights, with that portion of the vacated Belrose Lane as set forth on the individual vacation plans prepared by Gannett Fleming for their respective properties as follows:

- a) 475 Glenmary Lane attached hereto as Exhibit "D".
- b) 600 Huston Road attached hereto as Exhibit "E".
- c) 500 Huston Road attached hereto as Exhibit "F".
- d) 471 Glenmary Lane attached hereto as Exhibit "G".
- e) 470 Huston Road attached hereto as Exhibit "H".
- f) 458 Huston Road attached hereto as Exhibit "I".

SECTION 3. Repealer. All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

SECTION 4. Severability. If any section, paragraph, sub-section, clause, or provision of this Ordinance shall be declared invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole or any part thereof other than that portion specifically declared invalid.


SECTION 5. Effective Date. This Ordinance shall become effective in accordance with the Radnor Township Home Rule Charter.

VACATION OF BELROSE LANE
ORDINANCE NO. 2017-16

ENACTED AND ORDAINED this day of , A.D., 2017.

RADNOR TOWNSHIP

By:


Name: Elaine Schaefer
Title: Vice President

ATTEST:



Robert A. Zienkowski, Secretary