

FISHING CREEK TOWNSHIP ORDINANCE NO.1 OF 2012
VACATING TOWNSHIP ROUTE 595 AND A PORTION
OF TOWNSHIP ROUTE 596 (WINNIE'S ROAD)

WITNESSETH AS FOLLOWS:

WHEREAS, the following portions of Township Routes 595 and 596 have in the past been part of the public road system of Fishing Creek Township, Columbia County, Pennsylvania, for the use and benefit of the general public:

1. Township Route 595, unnamed, extending from its intersection with Township Road No. 596 through property of Sycamore Asset Management II, L.P., to its terminus within said property, as more particularly shown and depicted on that certain plat, (the "Vacated Roads Plat"), of Milnes Engineering dated August 16, 2011, entitled "Plat of Survey of a Portion of Township Road Nos. 595 and 596 to be Vacated Situated Fishing Creek Township, Columbia County, PA Surveyed: January thru July, 2011", last revised February 28, 2012, being bounded and described as follows:

BEGINNING at Northwesterly corner of the right-of-way line of Township Road No. 595 said point of beginning being South 68°00'43" East 580.10 feet from a 3/4 inch diameter rebar found marking the Northeasterly corner of land of James D. and Jeanette R. Spaihts, his wife;

thence along the right-of-way line of Township Road No. 595 through Sycamore Asset Management II, L.P. land the following five (5) courses, (1) North 55°16'17" East 99.12 feet to a corner, (2) North 57°34'22" East 480.31 feet to a corner, (3) South 32°25'38" East 33.00 feet to a corner, (4) South 57°34'22" West 479.65 feet to a corner, and (5) South 55°16' 17" West 94.12 feet to a corner;

thence along right-of-way line of Township Road No. 596 also known as Winnies Road North 42°13'00" West 33.29 feet to the place of beginning.

The above described, being the 33 feet wide right-of-way of the Southerly portion of Township Road No. 595, having a centerline length of 573.77 feet.

This description was prepared March 1, 2012, by MILNES ENGINEERING, INC.

2. That portion of Township Route 596, known as Winnies Road, beginning at its

intersection with the boundary of property of Sycamore Asset Management II, L.P. and traversing through said property to its intersection with State Route 1022 (Zaners Bridge Road), as more particularly shown and depicted on the Vacated Roads Plat, being bounded and . described as follows:

BEGINNING at a point in the right-of-way line of Township Road No. 596 also known as Winnies Road said point of beginning being North $68^{\circ}50'27''$ East 539.80 feet from a 5/8 diameter rebar found marking the most Southwesterly corner of Sycamore Asset Management II, LP land;

thence along the right-of-way line of Township Road No. 596 also known as Winnes Road the following nine (9) courses, (1) North $32^{\circ}06'12''$ West 133.58 feet to a corner, (2) North $29^{\circ}51'20''$ West 103.94 feet to a corner, (3) North $2r02'04''$ West 186.56 feet to a corner, (4) along a curve to the left having a chord bearing North $47^{\circ}08'02''$ West 102.06 feet with radius of 148.50 feet and an arc length of 104.18 feet to a corner, (5) North $67^{\circ}13'59''$ West 114.21 feet to a corner, (6) North $58^{\circ}08'23''$ West 29.88 feet to a corner, (7) North $42^{\circ}13'00''$ West 88.00 feet to a corner, (8) South $52^{\circ}31'06''$ West 202.02 feet to a corner, and (9) South $56^{\circ}59'54''$ West 99.62 feet to a corner;

thence along right-of-way line of State Road No. 1022 also known as Zaners-Bridge Road North $57^{\circ}26'15''$ West 36.25 feet to a corner;

thence along right-of-way line of Township Road No. 596 also known as Winnies Road the following eleven (11) courses, (1) North $56^{\circ}59'54''$ East 113.32 feet to a corner, (2) North $52^{\circ}31'06''$ East 216.33 feet to a corner, (3) North $55^{\circ}16'17''$ East 14.86 feet to a corner, (4) party along right-of-way line of Township Road No. 595 South $42^{\circ}13'00''$ East 113.06 feet to a corner, (5) South $58^{\circ}08'23''$ East 22.65 feet to a corner, (6) South $67^{\circ}13'59''$ East 111.58 feet to a corner, (7) along a curve to the right having a chord bearing South $4r08'02''$ East 124.73 feet having a radius of 181.50 feet and an arc length of 127.32 feet to a corner, (8) South $2r02'04''$ East 185.75 feet to a corner, (9) South $29^{\circ}51'20''$ East 102.48 feet to a corner, (10) South $32^{\circ}06'12''$ East 135.30 feet to a corner, (11) South $3r48'59''$ East 4.11 feet to a corner;

thence along line of land of Sycamore Asset Management II, LP land South $68^{\circ}50'27''$ West 34.03 feet to the place of beginning.

This description was prepared by Milnes Engineering on November 15, 2011.

WHEREAS, it appears that said roadways proposed to be vacated are no longer necessary or required as a means of public use and travel; and

WHEREAS, ten days written notice has been given to the affected property owner of the time and place of a hearing on the proposed vacation; and

WHEREAS, the affected property owner has executed an individual affidavit, appended to this Ordinance as Exhibit A, evidencing the property owner's agreement to said road vacation, waiving any damages and the formality of a view in connection therewith; and

WHEREAS, the Vacated Roads Plat is incorporated by reference herein and shall be filed of record with this Ordinance in the Office of the Columbia County Prothonotary as required by statute; and

WHEREAS, no objections or dissents have been entered at hearing with respect to the proposed roads to be vacated; and

WHEREAS, the intention of the Supervisors (the "Supervisors") of Fishing Creek Township to adopt the within Ordinance has been duly and properly advertised.

NOW THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Supervisors of Fishing Creek Township as follows:

Section 1: The portion of Township Route 595, unnamed, extending from its intersection with Township Route 596 through property of Sycamore Asset Management II, L.P., to its terminus, as more particularly shown and depicted on the Vacated Roads Plat and as described above, shall be and the same is hereby vacated, to the end that the said Township Route 595 shall cease to be a public road and right of way, with no private right for usage for the adjoining property owners.

Section 2: The portion of Township Route 596, known as Winnies Road, extending from its intersection with the boundary of property of Sycamore Asset Management II, L.P. and traversing through said property to its intersection with State Route 1022 (Zaners Bridge Road), as more particularly shown and depicted on the Vacated Roads Plat and as described above, shall be and the same is hereby vacated, to the end that the said portion of Township Route 596 shall

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cease to be a public road, with no private right for usage for the adjoining property owners.

Section 3: This Ordinance shall become effective at the earliest possible date permitted under law.

ENACTED on this the 4th day of April, 2012.

BOARD OF SUPERVISORS OF
FISHING CREEK TOWNSHIP

BY: James L. Kline
CHAIRMAN

29 421
SUPERVISOR

Gary A. Chalmers
SUPERVISOR

ATTEST:

Julie K. Beishline
Secretary

(SEAL)

2.

EXHIBIT A

AFFIDAVIT OF AFFECTED PROPERTY OWNER

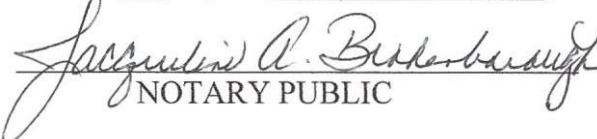
The undersigned, being authorized agent for Sycamore Asset Management II, L.P., ("SAM"), deposes and states that SAM is the owner of property located in Fishing Creek Township, Columbia County, Pennsylvania, being tax parcel 150700100; SAM has been notified of the intentions of the Fishing Creek Township Supervisors to vacate a portion of Township Route 595 passing through SAM's property to its terminus and a portion of Township Route 596 extending across SAM's property to its intersection with State Route 1022; SAM hereby consents to the Supervisors' decision to vacate the said portions of Township Routes 595 and 596 as the same are described in the Ordinance to which this Affidavit is appended; that SAM waives any damages and the formality of a view in connection with said road vacations; and, that SAM has received at least 10 days written notice of the hearing scheduled for April 4, 2012, at 6:00 p.m. at the Township Municipal Building, 3188 SR 487, Orangeville, PA, 17859, to adopt the Ordinance vacating the said portions of Township Routes 595 and 596 at which SAM could appear and object to said vacations.

Sycamore Asset Management II, L.P.

Gerald S. Frey

Authorized Representativ

Sworn To and Subscribed
Before Me, a Notary Public
On this 13 day of March, 2012.


NOTARY PUBLIC

NOTARIAL SEAL
JACQUELINE A BROKENBOROUGH
Notary Public
W. CONSHOHOCKEN BORO., MONTGOMERY COUNTY
My Commission expires Sep 6, 2012