

ORDINANCE NO. 99-6

AN ORDINANCE OF THE TOWNSHIP OF HILLTOWN,  
COUNTY OF BUCKS, COMMONWEALTH OF PENNSYLVANIA,  
VACATING PORTIONS OF ROUTE 313 AND ROUTE 113

WHEREAS, the Board of Supervisors of Hilltown Township, after due investigation and consideration, has determined that the nature and extent of the public use and public interest to be subserved is such as to warrant the vacation of part of public streets described in the following Ordinance; therefore, be it ordained by the Board of Supervisors of Hilltown Township as follows:

ARTICLE 1. BACKGROUND

That on July 31, 1996, Joseph Pileggi ("Pileggi"), as seller, and Wawa, Inc. ("Wawa"), as buyer, entered into an Agreement of Sale ("Agreement of Sale") with respect to a property comprised of approximately five (5) acres located at the corner of Routes 313 and 113 in Hilltown Township ("Property"). Thereafter, a dispute arose between Pileggi and Wawa regarding title to a portion of the Property, a strip of land totalling approximately one (1) acre running adjacent to Routes 313 and 113 (the "Disputed Strip of Land").

ARTICLE 2. RESOLUTION

That to resolve the dispute, Pileggi, Wawa and Hilltown Township ("Township") have entered into a settlement agreement ("Agreement") pursuant to which the Township has agreed to vacate and convey its right, title and interest, if any, in the Disputed Strip of Land to Wawa after complying with the procedures set forth in 53 P.S. §67304 and §67305.

ARTICLE 3. PURPOSE

That the Board of Supervisors has determined that:

A. The Disputed Strip of Land is no longer required for public use as part of a public street;

B. No future use of the same for street purposes is reasonably anticipated; and

C. Fuller utilization of such land by abutting property is to the ultimate advantage of the public.

**ARTICLE 4. EASEMENT**

Pursuant to the Agreement, the Township holds, and will continue to hold, a perpetual easement over the Disputed Strip of Land for the purposes of controlling and managing stormwater drainage, eliminating visual obstructions affecting traffic, and providing for the general improvement of the existing roadway at the intersection of Routes 313 and 113.

**ARTICLE 5. ENACTMENT**

Now, therefore, the following portions of Routes 313 and 113 are hereby vacated:

That certain strip of land totalling approximately one (1) acre along Routes 313 and 113 as described on the legal description attached hereto and incorporated herein as Exhibit "A."

**ARTICLE 6. SEVERABILITY**

In the event that any section, sentence, clause, phrase or word of this Ordinance shall be declared illegal, invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not prevent, preclude or otherwise foreclose enforcement of any of the remaining portions of this Ordinance.

**ARTICLE 7. REPEALER**

All ordinances or parts of ordinances inconsistent herewith or in conflict with any of the terms hereof are, to the extent of said inconsistencies or conflicts, hereby specifically repealed.

**ARTICLE 8. EFFECTIVE DATE**

The road vacation herein described shall become effective upon expiration of the period allowed for filing of exceptions to this

Ordinance pursuant to 53 P.S. §67305, or upon the order of the court disposing of any exceptions.

SO ENACTED AND ORDAINED this 12<sup>th</sup> day of July,  
A.D., 1999.

HILLTOWN TOWNSHIP  
BOARD OF SUPERVISORS

Wm H. Bennett  
Kenneth B. [Signature]  
John S. Bender