

**BOROUGH COUNCIL OF  
THE BOROUGH OF PHOENIXVILLE  
CHESTER COUNTY, COMMONWEALTH OF PENNSYLVANIA**

**ORDINANCE NO. 2022 -**

**ORDINANCE ACCEPTING DEDICATION OF RIGHT-OF-WAY OF  
ASHBURN ROAD AND BUNNING ROAD**

**WHEREAS, COVENTRY RIDGE LIMITED PARTNERSHIP** (“Coventry Ridge”), formerly owned a certain tract of land situate in the Borough of Phoenixville, Chester County, Pennsylvania, which is located between Fillmore Street and High Street (the “Tract”) and more particularly described on a preliminary/final subdivision and land development plan entitled “Fillmore Village – Phase 2”, prepared by BL Companies, Inc., dated August 2, 2012, last revised March 23, 2016, and recorded with the Chester County Recorder of Deeds on April 12, 2016 at Plan Book 19932, Page 1, more particularly identified as document number 11467292 (the “Recorded Plan”); and

**WHEREAS,** Coventry Ridge developed the Tract into a residential development known as “Fillmore Village”, which included the construction of several new roads known as Ashburn Road, Bunning Road, Sisler Road, Lopata Road, Bender Road, Simmons Alley, Groat Alley, Waitkus Alley, Rollins Alley and Utley Alley; and

**WHEREAS,** the Recorded Plan offers the dedication of the newly constructed roads within the Tract to the Borough; and

**WHEREAS,** following the completion of the construction of Fillmore Village on the Tract, Coventry Ridge transferred the portion of the Tract more particularly identified as Chester County UPI No. 15-4-10 (the “Property”), which Property contains the common open space, community roads and other common elements of the residential development, to the Fillmore

Village Planned Community Association (the “Association”) pursuant to a Deed dated June 18, 2020, which was recorded with the Chester County Recorded of Deeds at Deed Book 10209, Page 1314, and further identified as document number 11745562 (the “Deed”); and

**WHEREAS**, the Deed transferred the Property to the Association subject to the express right of the Borough “to take dedication of all or a portion of the roads in the [Fillmore Village Community] and the obligation of [the Association] to convey such deeds of dedication to Phoenixville Borough upon request thereof.”

**WHEREAS**, as authorized by Section 1734(a) of the Borough Code, 8 Pa.C.S.A. §1734(a), the Borough now desires to accept the right-of-way of Ashburn Road and Bunning Road, as constructed and depicted on the Record Plan , and further identified in the legal description attached hereto as Exhibit “A” (the “Right-of-Way”), as and for a public street, road or highway, sidewalk, utilities and other public improvements, together with any sidewalks or trails thereon and sanitary sewer lines and storm sewer lines constructed thereunder; and

**WHEREAS**, the Borough, by accepting and filing this Ordinance with the Clerk of Courts for the Chester County Court of Common Pleas, accepts the Right-of-Way to the extent that such acceptance is necessary at this time.

**NOW, THEREFORE, BE IT ORDAINED AND ENACTED**, that the Borough Council of the Borough of Phoenixville accepts the Right-of-Way described in the legal description attached hereto as Exhibits “A” and Sheet No. 2 of the Record Plan attached hereto as Exhibit “B” to have and to hold, forever, as and for public street, road or highway, sidewalk, trail, utilities and other public improvements, together with any sidewalks or trails thereon and sanitary sewer lines and storm sewer lines constructed thereunder (if any), and with the same effect as if the same had been opened by a Decree of Court of Common Pleas in and for the County of Chester after

proceedings duly had for that purpose under and in pursuance with the laws of the Commonwealth of Pennsylvania; and further authorizing the Borough Solicitor, Borough Officers and Borough staff to take any and all steps necessary to effect such acceptance of dedication.

**PASSED** by Borough Council this 1st day of November, 2022.

By: \_\_\_\_\_  
**Jonathan M. Ewald**, President  
Borough Council

**APPROVED** by the Mayor, this 1st day of November, 2022.

By: \_\_\_\_\_  
**Peter J. Urscheler**, Mayor

**ENACTED**, this 1st day of November, 2022.

By: \_\_\_\_\_  
**E. Jean Krack**, Borough Manager/Secretary

**I HEREBY CERTIFY** that the foregoing is a true and correct copy of the said Ordinance duly adopted at a regular meeting of Borough Council held on the 1st day of November, 2022.

By: \_\_\_\_\_  
**E. Jean Krack**, Borough Manager/Secretary

**Legal Description**

**EXHIBIT "A"**

**DESCRIPTION OF  
ASHBURN ROAD TO BE DEDICATED  
TO PHOENIXVILLE BOROUGH,  
CHESTER COUNTY, PENNSYLVANIA**

All that certain lot, tract or parcel of land and premises, situate, lying and being in the Borough of Phoenixville, County of Chester, Commonwealth of Pennsylvania, and being more particularly described as follows:

BEGINNING at a point at the intersection of the southerly right-of-way line of Fillmore Street (50' wide) and the northerly right-of-way line of Ashburn Road (60' wide); thence

1. North 72 degrees 47 minutes 19 seconds East a distance of 54.15 feet to a point, in the bed of Fillmore Street; thence
2. Along the title line in the bed of Fillmore Street, along a curve to left, having a radius of 465.31 feet, an arc distance of 132.90 feet and a delta of 16 degrees 21 minutes 52 seconds, with a chord bearing of North 83 degrees 37 minutes 37 seconds East, a distance of 132.45 feet to a point; thence
3. South 66 degrees 38 minutes 10 seconds East, a distance of 46.27 feet to a point on the southerly right-of-way line of Ashburn Road; thence
4. Along said southerly line of Ashburn Road, South 72 degrees 47 minutes 19 seconds West, a distance of 123.33 feet to a point; thence
5. Along the same, South 38 degrees 51 minutes 43 seconds West, a distance of 8.96 feet to a point; thence
6. Still along the same, South 72 degrees 47 minutes 19 seconds West, a distance of 525.34 feet to the westerly terminus of Ashburn Road; thence
7. Along the westerly terminus of Ashburn Road, North 17 degrees 12 minutes 41 seconds West, a distance of 60.00 feet to a point on the northerly right-of-way line of Ashburn Road
8. Along said northerly line of Ashburn Road, North 72 degrees 47 minutes 19 seconds East, a distance of 436.73 feet to the point and place of BEGINNING.

Containing within said condemnation 35,288 Sq. Ft. of land, more or less.

This description was written accordance with a filed plan entitled "Fillmore Village – Phase 2", prepared by BL Companies, dated August 2, 2012, and last revised March 23, 2016, recorded in Chester County Recorder of Deeds on April 12, 2016, in plan book 19932, page 1, and a plan entitled "Ashburn Road Dedication Exhibit Plan for Coventry Ridge, L.P., Phoenixville Borough, Chester County, PA. prepared by Bercek & Associates, dated October 12, 2022

Date: 10/13/22



Brian T. Yorkiewicz, P.L.S.  
PA. License No. SU075193

**DESCRIPTION OF  
BUNNING ROAD TO BE DEDICATED  
TO PHOENIXVILLE BOROUGH,  
CHESTER COUNTY, PENNSYLVANIA**

All that certain lot, tract or parcel of land and premises, situate, lying and being in the Borough of Phoenixville, County of Chester, Commonwealth of Pennsylvania, and being more particularly described as follows:

BEGINNING at a point at the intersection of the southerly right-of-way line of Fillmore Street (50' wide) and the westerly right-of-way line of Bunning Road (50' wide); thence

1. Along the southerly right-of-way line Fillmore Street, along a curve to left, having a radius of 305.00 feet, an arc distance of 141.22 feet and a delta of 26 degrees 31 minutes 43 seconds, with a chord bearing of South 52 degrees 19 minutes 53 seconds East, a distance of 139.96 feet to a point; thence
2. Along the easterly right-of-way line of Bunning Road, South 17 degrees 12 minutes 41 seconds East, a distance of 73.36 feet to a point of curvature; thence
3. Along a curve to left, having a radius of 15.00 feet, an arc distance of 23.56 feet and a delta of 90 degrees 00 minutes 00 seconds, with a chord bearing of South 62 degrees 12 minutes 41 seconds East, a distance of 21.21 feet to a point; thence
4. Along the northerly right-of-way line of Ashburn Road (60' wide), South 72 degrees 47 minutes 19 seconds West, a distance of 80.00 feet to a point; thence
5. Leaving said northerly line of Ashburn Road, along a curve to left, having a radius of 15.00 feet, an arc distance of 23.56 feet and a delta of 90 degrees 00 minutes 00 seconds, with a chord bearing of North 27 degrees 47 minutes 19 seconds East, a distance of 21.21 feet to a point; thence
6. Along the westerly right-of-way line of Bunning Road, South 17 degrees 12 minutes 41 seconds West, a distance of 70.08 feet to a point of curvature; thence
7. Along said westerly line of Bunning Road, along a curve to left, having a radius of 205.00 feet, an arc distance of 74.90 feet, and a delta of 20 degrees 56 minutes 01 seconds, with a chord bearing of North 27 degrees 40 minutes 41 seconds West, a distance of 74.84 feet to a point of tangency; thence
8. Still along the same, North 38 degrees 08 minutes 41 seconds West, a distance of 47.64 feet to a point; thence
9. North 38 degrees 44 minutes 31 seconds East, a distance of 0.04 feet to the point and place of BEGINNING.

Containing within said condemnation 6,175 Sq. Ft. of land, more or less.

This description was written accordance with a filed plan entitled "Fillmore Village – Phase 2", prepared by BL Companies, dated August 2, 2012, and last revised March 23, 2016, recorded in Chester County Recorder of Deeds on April 12, 2016, in plan book 19932, page 1, and a plan entitled "Dedication Plan for Fillmore Village, Phoenixville Borough, Chester County, PA". prepared by Bercek and Smith Engineering, Inc, dated September 23, 2019.

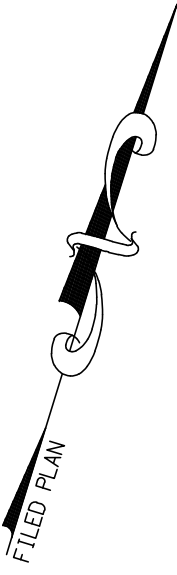
Date: 10/14/22



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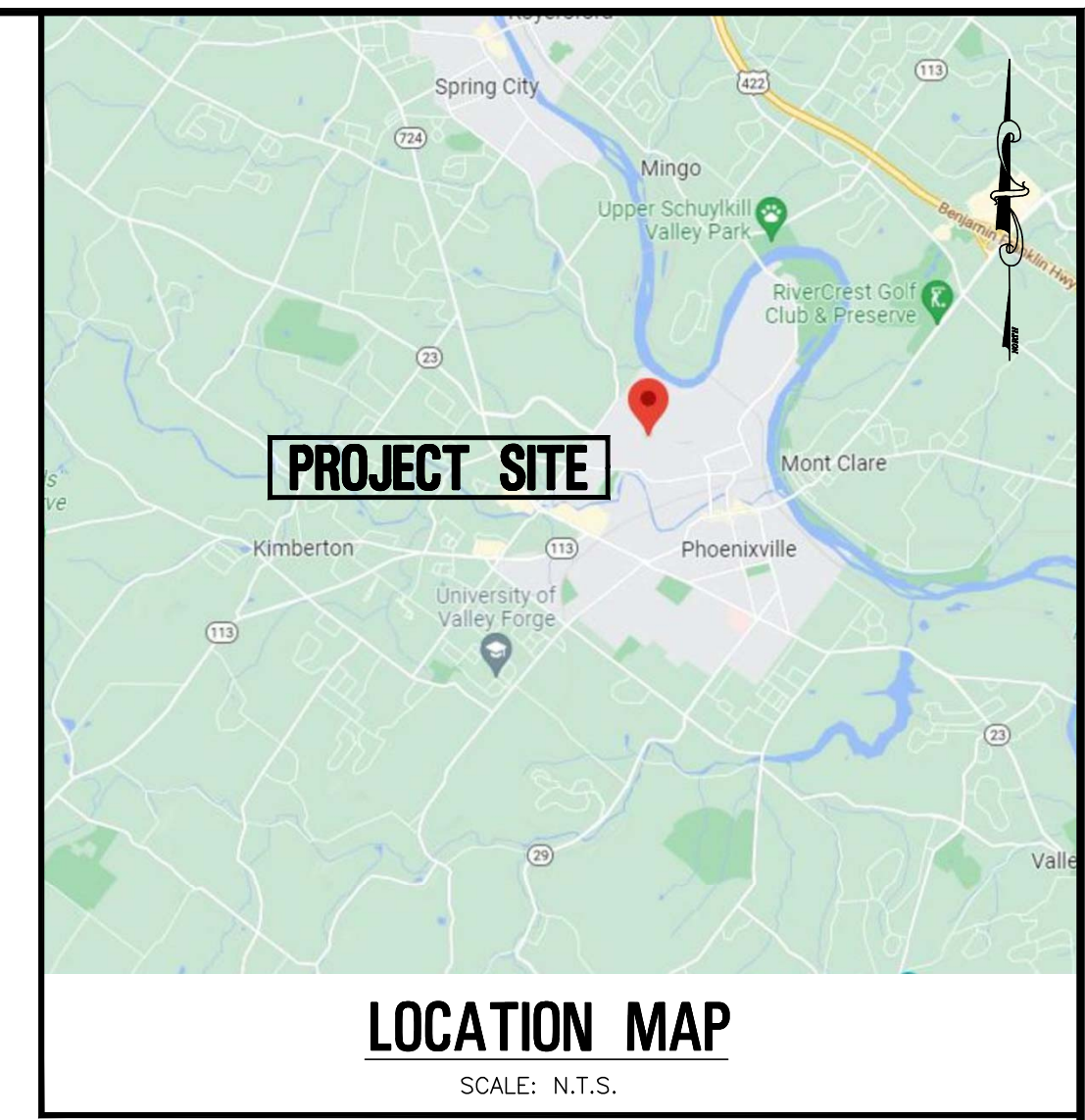
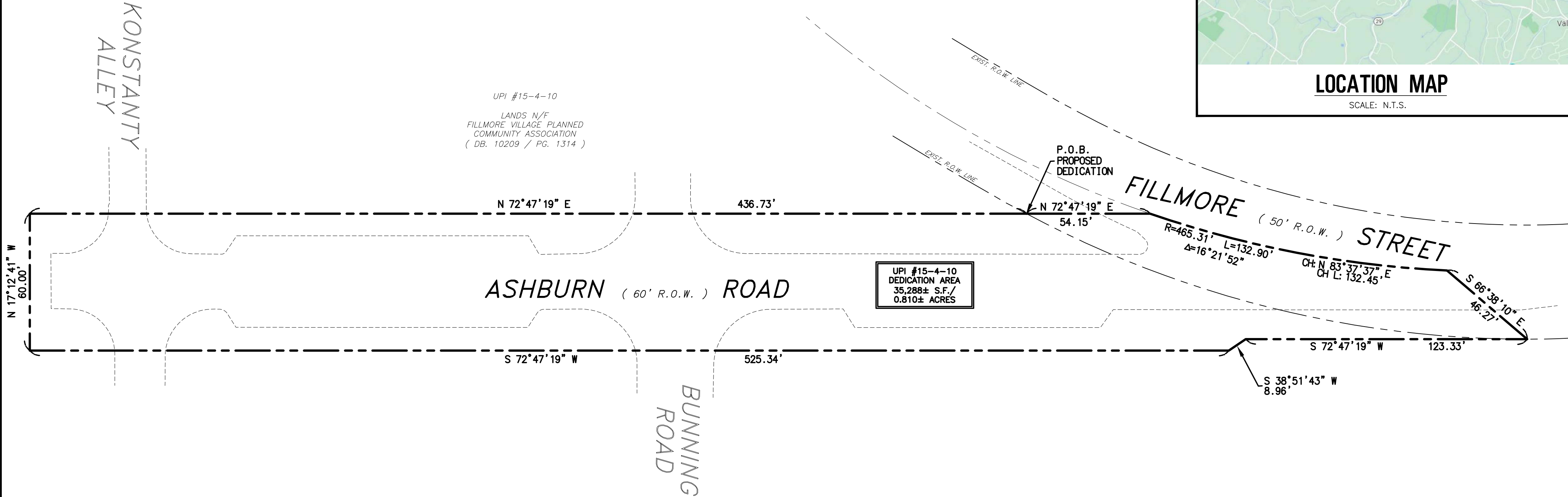
**Plan**

**EXHIBIT “B”**



KONSTANTY ALLEY

UPI #15-4-10  
LANDS N/F  
FILLMORE VILLAGE PLANNED  
COMMUNITY ASSOCIATION  
( DB. 10209 / PG. 1314 )



N 17°12'41" W  
60.00'

N 72°47'19" E 436.73'

ASHBURN ( 60' R.O.W. ) ROAD

S 72°47'19" W 525.34'

BUNNING ROAD

UPI #15-4-10  
DEDICATION AREA  
35,288± S.F./  
0.810± ACRES

P.O.B.  
PROPOSED  
DEDICATION

N 72°47'19" E  
54.15'

FILLMORE STREET ( 50' R.O.W. )

R=465.31' L=132.90'  
Δ=16°21'52"

CH: N 83°37'37" E  
CH L: 132.45'

S 72°47'19" W 123.33'

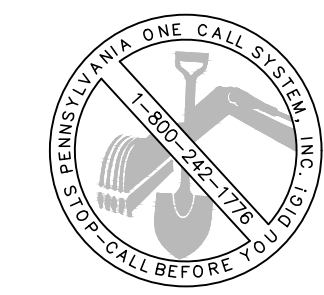
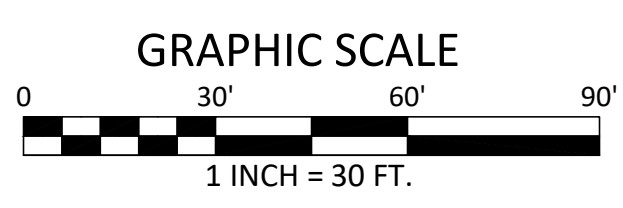
S 38°51'43" W  
8.96'

**SURVEY NOTES:**

- PROPERTY AND RIGHT-OF-WAY LINES SHOWN ON THESE PLANS ARE BASED ON THE REFERENCE MAPS AND DEED OF RECORD AS WELL AS THE CURRENT ASSESSMENT RECORDS & TAX MAPS OF THE BOROUGH OF PHOENIXVILLE, CHESTER COUNTY, PENNSYLVANIA.  
  
ADJOINING PROPERTY AND RIGHT-OF-WAY LINES ARE SHOWN FOR GRAPHICAL INFORMATION ONLY AND HAVE NOT BEEN FIELD VERIFIED.
- THIS PLAN AND SURVEY DOES NOT CERTIFY TO THE LOCATION, BOTH HORIZONTAL AND VERTICAL OF ANY UNDERGROUND UTILITY OR STRUCTURE THAT WAS NOT EXPOSED FOR DIRECT MEASUREMENT.
- THIS SURVEY AND PLAN WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT. PROPERTY IS SUBJECT TO SUCH STATE OF FACT THAT AN ACCURATE TITLE REPORT MY REVEAL INCLUDING ANY EASEMENTS, RESTRICTIONS AND ENCUMBRANCES.

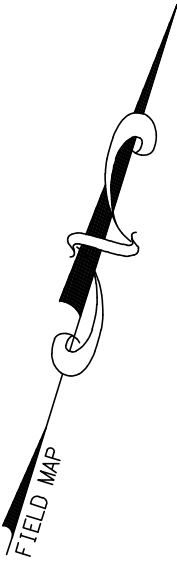
**SURVEY REFERENCES:**

- FILED PLAN ENTITLED, 'FILLMORE VILLAGE - PHASE 2, PRELIMINARY / FINAL SUBDIVISION PLANS,' PREPARED BY BL COMPANIES, DATED AUGUST 2, 2012, REVISED TO MARCH 13, 2016. RECORDED IN CHESTER COUNTY RECORDER OF DEEDS ON APRIL 12, 2016 IN PLAN BOOK 19932, PAGE 1.
- PLAN ENTITLED, 'ASHBURN ROAD DEDICATION EXHIBIT PLAN FOR COVENTRY RIDGE, LP,' PREPARED BY BERCEK & ASSOCIATES, DATED OCTOBER 12, 2022.



NO.	REVISION	DATE	BY	CHK.	BY
<b>DEDICATION PLAN EXHIBIT</b>					
ASHBURN ROAD UPI# 15-4-10 BOROUGH OF PHOENIXVILLE, CHESTER COUNTY, PENNSYLVANIA					
DATE: 10/14/2022					
<b>BRIAN T. YORKIEWICZ</b> PROFESSIONAL LAND SURVEYOR LIC. NO. SU-075193					
<b>REMINGTON &amp; VERNICK ENGINEERS</b> CROTON ROAD CORPORATE CENTER 555 CROTON ROAD, SUITE 401, KING OF PRUSSIA, PA 19406 610 940-1050, WEB SITE ADDRESS: WWW.RVE.COM -ENGINEERING EXCELLENCE-					
SCALE	DATE	DRAWN BY	DSGN. BY	CHK'D. BY	DWG. NO.
1"=30'	10/14/2022	JS	CEA	PCPB T 091	1 OF 1





$R=1,187.00'$   
 $L=62.40'$   
 $CH.= N 38^{\circ}43'48'' W$   
 $CH L.=62.39'$   
 $\Delta=3^{\circ}00'43''$   
 (TIE)

$N 38^{\circ}44'31'' E$   
 (TIE) 9.62'

$N 38^{\circ}44'31'' E$   
 0.04'

P.O.B. PROPOSED DEDICATION

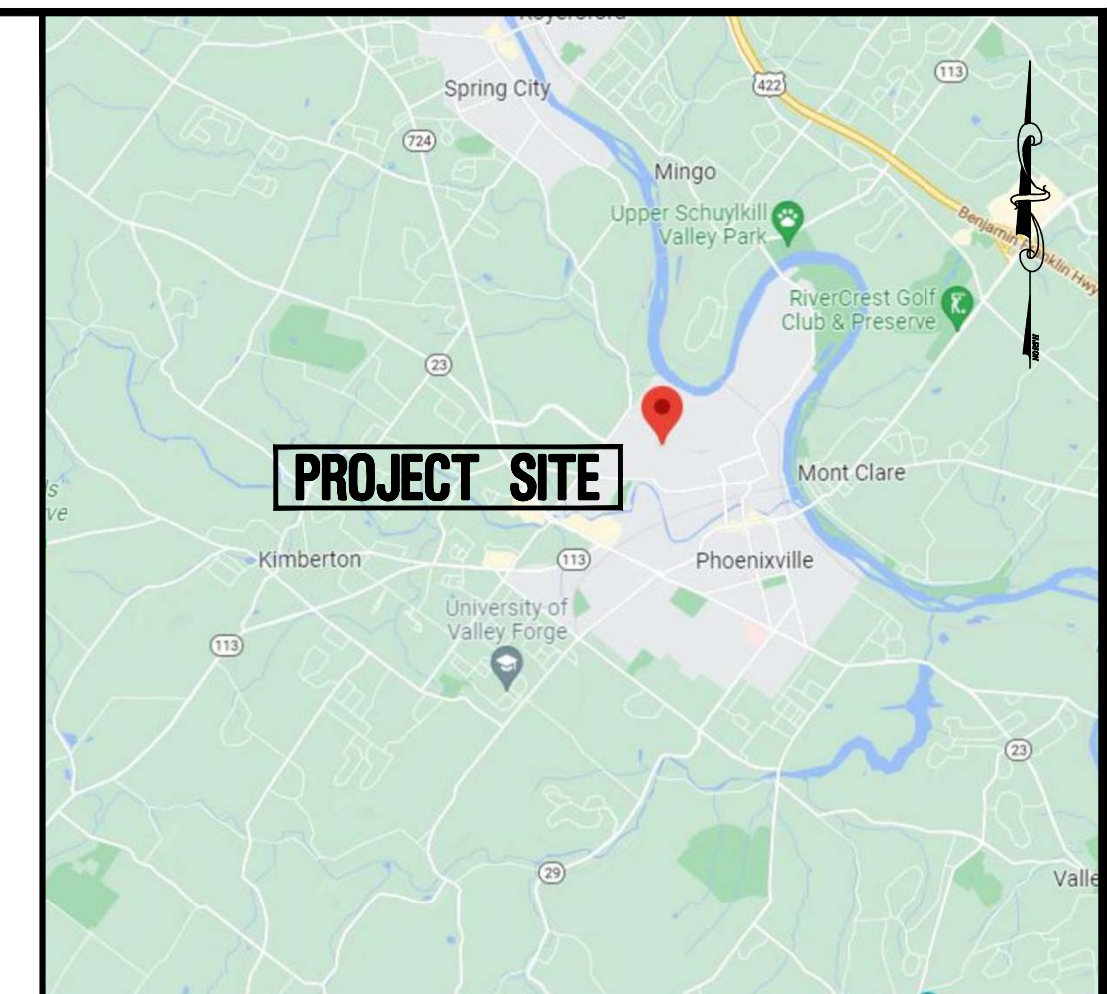
$R=205.00'$   
 $L=74.90'$   
 $CH.= N 27^{\circ}40'41'' W$   
 $CH L.=74.48'$   
 $\Delta=20^{\circ}56'01''$

$R=15.00'$   
 $L=23.56'$   
 $CH.= N 27^{\circ}47'19'' E$   
 $CH L.=21.21'$   
 $\Delta=90^{\circ}00'00''$

$R=15.00'$   
 $L=23.56'$   
 $CH.= S 62^{\circ}12'41'' E$   
 $CH L.=21.21'$   
 $\Delta=90^{\circ}00'00''$

UPI #15-4-10  
 LANDS N/F  
 FILLMORE VILLAGE PLANNED  
 COMMUNITY ASSOCIATION  
 ( DB. 10209 / PG. 1314 )

UPI #15-4-10  
 DEDICATION AREA  
 6,175± S.F./  
 0.142± ACRES



PROJECT SITE

LOCATION MAP

SCALE: N.T.S.

KONSTANTY ALLEY

$N 72^{\circ}47'19'' E$  (TIE) 237.39'

ASHBURN ( 60' R.O.W. ) ROAD

BUNNING ROAD

FILLMORE ( 50' R.O.W. ) STREET

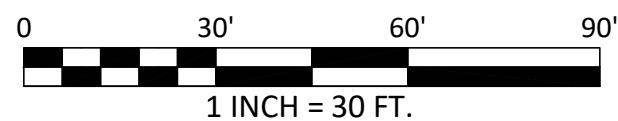
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- PLAN ENTITLED, "DEDICATION PLAN FOR FILLMORE VILLAGE," PREPARED BY BERCEK & SMITH ENGINEERING, INC., DATED SEPTEMBER 23, 2019.

GRAPHIC SCALE



NO.	REVISION	DATE	BY	CHK. BY		
<b>DEDICATION PLAN EXHIBIT</b>						
BUNNING ROAD UPI# 15-4-10 BOROUGH OF PHOENIXVILLE, CHESTER COUNTY, PENNSYLVANIA						
DATE: 10/14/2022						
<b>BRIAN T. YORKIEWICZ</b> PROFESSIONAL LAND SURVEYOR LIC. NO. SU-076193						
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1"=30'	10/14/2022	JS	---	CEA	PCPB T 091	1 OF 1