

**FILE OF THE CITY CLERK**

**ADMINISTRATION ORDINANCE NO. 7 - 2009**

**ADMINISTRATION BILL NO. 7 - 2009**

**INTRODUCED - MAY 12, 2009**

**ADOPTED BY COUNCIL – MAY 26, 2009**

**AN ORDINANCE OF THE COUNCIL OF THE CITY OF LANCASTER TO ACCEPT THE DEDICATION OF WEST GRANT STREET BETWEEN NORTH PRINCE STREET AND NORTH WATER STREET, AS REVISED, AND PLACE THE SAME ON THE OFFICIAL CITY PLAN AND DECLARE IT OPEN TO PUBLIC USE, AND TO AMEND THE EASEMENT GRANTED TO THE ACADEMY OF MUSIC TO ERECT AND MAINTAIN AN ENCLOSED PEDESTRIAN BRIDGE OVER WEST GRANT STREET TO REFLECT THE REVISED LOCATION OF WEST GRANT STREET**

WHEREAS, the Council of the City of Lancaster adopted Administration Ordinance No. 14-2003 on October 14, 2003 pursuant to which it approved the vacation and relocation of West Grant Street between North Prince Street and North Water Street in connection with the redevelopment of adjoining property of the Pennsylvania Academy of Music; and

WHEREAS, Administration Ordinance No. 14-2003 also approved the grant of an easement to the Pennsylvania Academy of Music for an enclosed pedestrian bridge running north and south across and over West Grant Street, and, pursuant to Administration Ordinance No. 14-2003, an Easement Agreement was entered into between the City of Lancaster and the Pennsylvania Academy of Music dated June 22, 2006 and recorded in the Recorder of Deeds Office in and for Lancaster County, Pennsylvania to Document Number 5551272 (the “Easement Agreement”).

WHEREAS, following the adoption of Administration Ordinance No. 14-2003, the Pennsylvania Academy of Music modified the location of West Grant Street between North Prince Street and North Water Street as shown on a Minor Final Subdivision Plan of Pennsylvania Academy of Music prepared by Derck & Edson Associates, Project No. 01073, dated 10/30/2008, last revised 1/8/2009, and recorded on April 13, 2009, in the Office for Recording of Deeds, in and for Lancaster County, Pennsylvania, in Subdivision Plan Book J-236, page 66, and Document Number 5773587, and has satisfactorily completed the construction of the 100 block of West Grant Street as depicted on Exhibit A attached hereto; and

WHEREAS, the Pennsylvania Academy of Music submitted a Petition to the Council of the City of Lancaster to accept dedication of West Grant Street located between North Prince Street and North Water Street, as revised, and to amend the Easement Agreement to reflect the revised location of West Grant Street.

NOW, THEREFORE, BE IT ORDAINED, by the Council of the City of Lancaster, Pennsylvania, as follows:

Section 1. That the deed of dedication of the following described parcel of land offered by the Pennsylvania Academy of Music is hereby accepted by the City of Lancaster and placed on the Official City Plan and declared open to public use:

**ALL THAT CERTAIN** tract of land extending between North Prince Street and North Water Street in the City of Lancaster, County of Lancaster, Commonwealth of Pennsylvania, being shown as West Grant Street on Minor Final Subdivision Plan of Pennsylvania Academy of Music prepared by Derck & Edson Associates, Project No. 01073, dated 10/30/2008, last revised 1/8/2009, and recorded on April 13, 2009, in the Office for Recording of Deeds, in and for Lancaster County, Pennsylvania, in Subdivision Plan Book J-236, page 66, and Document Number 5773587 and being more fully bounded and described as follows:

**BEGINNING** at a point of tangency at the intersection of the southerly line of the herein described West Grant Street and the easterly line of North Water Street, said point being a distance of 225.83 feet at a bearing of North 00 degrees, 16 minutes, 25 seconds West from the intersection of said easterly line of North Water Street and the northerly line of West King Street, said point also being a corner of Parcel "B", as shown on abovementioned Minor Final Subdivision Plan; thence along said easterly line of North Water Street, North 00 degrees, 16 minutes, 25 seconds West, a distance of 30.32 feet to a point, the southwesterly corner of Parcel "A", as shown on said Minor Final Subdivision Plan; thence along said Parcel "A", also being along the northerly line of herein described West Grant Street, the three following courses and distances: 1) South 75 degrees, 16 minutes, 25 seconds East, a distance of 50.59 feet to a point of curve; 2) by a line curving to the left having a radius of 207.85 feet, a central angle of 16 degrees, 04 minutes, 29 seconds, an arc distance of 58.31 feet, the chord of said curve having a bearing of South 83 degrees, 18 minutes, 39 seconds East, the chord distance of 58.12 feet to a point of tangency; 3) North 88 degrees 39 minutes, 06 seconds East, a distance of 41.53 feet to a point at the intersection of said northerly line of West Grant Street and the westerly line of North Prince Street; thence along said westerly line of North Prince Street, South 00 degrees, 15 minutes, 00 seconds East, a distance of 23.42 feet to a point of curve, a corner of said Parcel "B"; thence along said Parcel "B", also being along the southerly line of herein described West Grant Street, the five following courses and distances: 1) by a line curving to the left having a radius of 3.50 feet, a central angle of 91 degrees, 05 minutes, 54 seconds, an arc distance of 5.56 feet, the chord of said curve having a bearing of North 45 degrees, 47 minutes, 57 seconds West, the chord distance of 5.00 feet to a point of tangency; 2) South 88 degrees, 39 minutes, 06 seconds West, a distance of 37.58 feet to a point of curve; 3) by a line curving to the right having a radius of 227.70 feet, a central angle of 16 degrees, 04 minutes, 29 seconds, an arc distance of 63.88 feet, the chord of said curve having a bearing of North 83 degrees, 18 minutes, 39 seconds West, the chord distance of 63.67 feet to a point of tangency; 4) North 75 degrees, 16 minutes, 25 seconds West, a distance of 35.50 feet to a point of curve; 5) by a line curving to the left having a

radius of 7.50 feet, a central angle of 105 degrees, 00 minutes, 00 seconds, an arc distance of 13.74 feet, the chord of said curve having a bearing of South 52 degrees, 13 minutes, 35 seconds West, the chord distance of 11.90 feet to a point of tangency, the place of **BEGINNING**.

Containing 3,009.2 Square Feet or 0.691 Acres.

**UNDER AND SUBJECT** to utility easements and easement for a proposed enclosed pedestrian bridge as shown and set forth in the Easement Agreement between the City of Lancaster and Pennsylvania Academy of Music dated June 22, 2006 and recorded in the Recorder of Deeds office aforesaid to Document Number 5551272, as amended.

Section 2. That the Easement Agreement between the City of Lancaster and the Pennsylvania Academy of Music shall be amended to reflect the revised description of West Grant Street as described in Section 1 above.

Section 3. The City Clerk is directed to give notice of the passage of this Ordinance as required by law.

Section 4. The Mayor and the appropriate and/or designated persons acting on behalf of the City are hereby authorized and directed on behalf of the City to execute an Amendment to Easement Agreement in the name and on behalf of the City of Lancaster, either in the form presented at this meeting or with such changes therein as the Mayor or his authorized designee may approve, and to execute any and all such other documents and to do or cause to be done any and all actions which may be necessary or appropriate to effect the provisions and purposes of this Ordinance.

Section 5. In the event any provision, section, sentence, clause, or part of this Ordinance shall be held to be invalid, illegal or unconstitutional, such invalidity shall not affect or impair any remaining provision, section, sentence, clause, or part of this Ordinance, it being the intent of the City that such remainder shall remain in full force and effect.

Section 6. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

Section 7. This Ordinance becomes effective within the time provided by law.

Approved this 26th day of May, 2009.

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J. Richard Gray, Mayor

Attest: \_\_\_\_\_  
City Clerk