

TOWNSHIP OF WASHINGTON
COUNTY OF NORTHAMPTON
COMMONWEALTH OF PENNSYLVANIA
ORDINANCE NO. 294

AN ORDINANCE OF THE TOWNSHIP OF WASHINGTON, NORTHAMPTON COUNTY, COMMONWEALTH OF PENNSYLVANIA, PROVIDING FOR THE VACATION OF A PORTION OF MAJESTIC WAY SITUATE IN WASHINGTON TOWNSHIP, NORTHAMPTON COUNTY, PA, CONTAINING 4,800 SQUARE FEET, MORE OR LESS IN AREA; AND DIRECTING THAT THE SAME OF STRICKEN FROM THE OFFICE PLAN FOR THE TOWNSHIP.

WHEREAS, Rx Holdings, L.P. petitioned the Washington Township Board of Supervisors to vacate a portion of Majestic Way, as set forth in that certain agreement dated June 12, 2019 (a copy of which is attached hereto); and

WHEREAS, Rx Holdings, L.P. is the sole property owner which owns land abutting on the portion of Majestic Way to be vacated; and

WHEREAS, Rx Holdings, L.P. has been provided with ten (10) days written notice of the hearing held this date to consider the request to vacate the portion of Majestic Way; and

WHEREAS, the Board of Supervisors of Washington Township deems it expedient for the public good to vacate Majestic Way pursuant to the Petition attached.

NOW, THEREFORE, it is ordained and enacted by the Board of Supervisors of Washington Township that all that following described portion of Majestic Way, situate in Washington Township, Northampton County, Pennsylvania, is hereby vacated:

Beginning at a point on the easterly right-of-way line of Northampton Street (T.R. 676), a corner also in land of RX Holdings, LP (Northampton County Tax Parcel I.D. No. E9-27-19); thence along said land South 88 Degrees 45 Minutes 00 Seconds East 120.00 Feet to a point in line of other land of RX Holdings, LP (Northampton County Tax Parcel I.D. No. E9-27-48); thence along said land the following two courses and distances: (1) South 1 Degree 15 Minutes 00 Seconds West 40.00 Feet to a point; (2) North 88 Degrees 45 Minutes 00 Seconds West 120.00 Feet to a point (the intersection of the easterly right-of-way line of Northampton St. with the southerly right-of-way line of Majestic Way; thence along said easterly right-of-way line of Northampton Street North 1 Degree 15 Minutes 00 Seconds East 40.00 Feet to the place of beginning.

It is further directed that the same be stricken from any official plan for the Township with respect to streets and rights-of-way.

All costs incident to the vacation shall be paid by Rx Holdings, L.P.

Any ordinance, or part of ordinance, conflicting with the provisions of this ordinance are repealed.

ORDAINED AND ENACTED by the Supervisors of the Township of Washington,
County of Northampton and Commonwealth of Pennsylvania, into an Ordinance this 14th
day of August, 2019.

WASHINGTON TOWNSHIP
BOARD OF SUPERVISORS

By: Robert D. Smith
Robert D. Smith, Chairman

By: David Hess
David Hess, Vice Chairman

ATTEST:

By: Gail Putvinski
Gail Putvinski, Secretary

AGREEMENT TO VACATE ROAD

THIS AGREEMENT is made this 12th day of June, 2019 by and between WASHINGTON TOWNSHIP, Northampton County, Pennsylvania, a second class Township, organized and existing under the laws of the Commonwealth of Pennsylvania, with an address of 1021 Washington Boulevard, Bangor, PA 18013 (hereinafter the "Township") and RX HOLDINGS, L.P., a Pennsylvania limited partnership, with an address of 100 Majestic Way, Bangor, PA 18013 (hereinafter referred to as "Petitioner").

BACKGROUND

A. Petitioner is the owner of multiple parcels of land situate in Washington Township, including (1) property known as 815 Northampton Street, Bangor, PA, more particularly described in Deed Book Volume 2012-1 at Page 17936, as recorded in the Office of the Recorder of Deeds in and for Northampton County, in Easton Pennsylvania, also identified as Northampton County tax parcel E9-27-19, (hereinafter **Parcel 1**) and (2) property known as 100 Majestic Way, Bangor, PA, more particularly described in Deed Book Volume 2019-1 at Page 14973, as recorded in the Office of the Recorder of Deeds in and for Northampton County, in Easton Pennsylvania, also identified as Northampton County tax parcel E9-27-48, (hereinafter **Parcel 2**).

B. Petition desires to have a portion of the Township public road known as Majestic Way, vacated as more fully described in the attached Plat Plan and legal description, attached and made a part hereof as Exhibit "A" (the "Proposed Vacated Road").

C. Township has agreed to review this Petition in accordance with applicable law, and to consider such action that may provide for the vacation of the Proposed Vacated Road in accordance with the terms of this Agreement.

D. Petitioner is willing to pay Township's costs related to review and processing of Petitioner's request for vacation of the Proposed Vacated Road.

NOW, THEREFORE, in consideration of the mutual covenants and promises, and intending to be legally bound hereby, the Township and Petitioner agree as follows:

AGREEMENT

1. The background paragraphs set forth above are incorporated herein by reference.
2. Petitioner hereby requests that the Township formally vacate the Proposed Vacated Road, and in furtherance of that request agrees to the following:
 - (a) Petitioner agrees to pay all reasonable and actual administrative costs incurred by the Township for processing, study, and review of the vacation of the Proposed Vacated Road, including, but not limited to legal, engineering, and general administrative costs. Such costs shall include, but not be limited to, costs of preparation of a proposed road vacation ordinance, public notice of the proposed ordinance, advertising, notice to effected property

owners, and a public hearing on the proposed ordinance. All such costs shall be paid within thirty (30) days of Petitioner's receipt of invoicing, and, if not timely paid, shall accrue interest at the rate of six percent (6%) per annum from the date of receipt of the invoice; and

(b) Petitioner shall be responsible for all costs incurred by Petitioner with respect to this request, and

(c) Petitioner acknowledges that any documents or records provided to the Township in connection with Petitioner's request shall become the property of the Township; and

(d) Petitioner agrees, prior to any action being taken by the Township pursuant to this Petition, to provide to the Township with an opinion of counsel for the Petitioner that Petitioner is the fee owner of Parcel 1 and Parcel 2, being all lands located adjacent to the Proposed Vacated Road.

3. Township agrees to review and investigate the Petitioner's request to vacate the Proposed Vacated Road and, if the Township finds in its reasonable discretion that such vacation is in the best interest of the Township, to enact an ordinance to vacate the Proposed Vacated Road.

4. This Agreement constitutes the entire understanding between the Petitioner and the Township with respect to the vacation of the Proposed Vacated Road and supersedes any and all understandings written or oral.

5. No individual or person who is not a party to this Agreement may claim or assert any third party beneficiary status, rights, or privileges hereunder.

6. This Agreement, and all rights under it, will be binding on and inure to the benefit of, and be enforceable by the successors and assigns of the Petitioner and the Township.

7. This Agreement shall be recorded in the land records of Northampton County, Pennsylvania, following the adoption of an ordinance by the Township vacating the Proposed Vacate Road.

THE BALANCE OF THIS PAGE HAS INTENTIONALLY BEEN LEFT BLANK

ATTEST:

RX HOLDINGS, L.P.,
by RX PROPERTIES, LLC, its General Partner

By: [Signature]
Richard Mutchler, Authorized Member

STATE OF PA :
COUNTY OF Northampton : SS.

On this the 5th day of June, 2019, before me, a Notary Public, the undersigned authorized member, personally appeared Richard Mutchler, who acknowledged himself to be an authorized member of Rx Holdings, LLC, a Pennsylvania limited liability company, and that he, being authorized to do so, executed the foregoing instrument for the purposes therein contained by signing the name of the corporation by himself as Authorized Member.

IN WITNESS WHEREOF, I have hereunto set my hand and notary seal the day, month and year aforesaid.

COMMONWEALTH OF PENNSYLVANIA
NOTARIAL SEAL
Karen Cramer, Notary Public
Washington Twp., Northampton County
My Commission Expires Sept. 29, 2019
MEMBER, PENNSYLVANIA ASSOCIATION OF NOTARIES

Karen Cramer
Notary Public

TOWNSHIP OF WASHINGTON, COUNTY OF
NORTHAMPTON, STATE OF PENNSYLVANIA

By: Robert D Smith, Chairman

Secretary

David Hesa, Supervisor

Secretary

_____, Supervisor

Secretary

STATE OF PA :
COUNTY OF Northampton : SS.

On this the 12th day of June, 2019, before me, a Notary Public, the undersigned officer, personally appeared Robert D Smith, who acknowledged himself to be the Chairman of the Board of Supervisors of Washington Township, a second Pennsylvania limited liability company, and that he, being authorized to do so, executed the foregoing instrument for the purposes therein contained by signing the name of the Township by himself as Chairman.

IN WITNESS WHEREOF, I have hereunto set my hand and notary seal the day, month and year aforesaid.

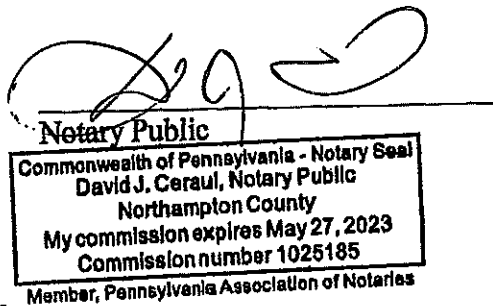
David J. Ceraul
Notary Public

Commonwealth of Pennsylvania - Notary Seal
David J. Ceraul, Notary Public
Northampton County
My commission expires May 27, 2023
Commission number 1025185
Member, Pennsylvania Association of Notaries

STATE OF PA :
COUNTY OF Northampton : SS.

On this the 12 day of June, 2019, before me, a Notary Public, the undersigned officer, personally appeared David Ness, who acknowledged himself/herself to be a Supervisor of the Board of Supervisors of Washington Township, a second Pennsylvania limited liability company, and that he/she, being authorized to do so, executed the foregoing instrument for the purposes therein contained by signing the name of the Township by himself/herself as Supervisor.

IN WITNESS WHEREOF, I have hereunto set my hand and notary seal the day, month and year aforesaid.



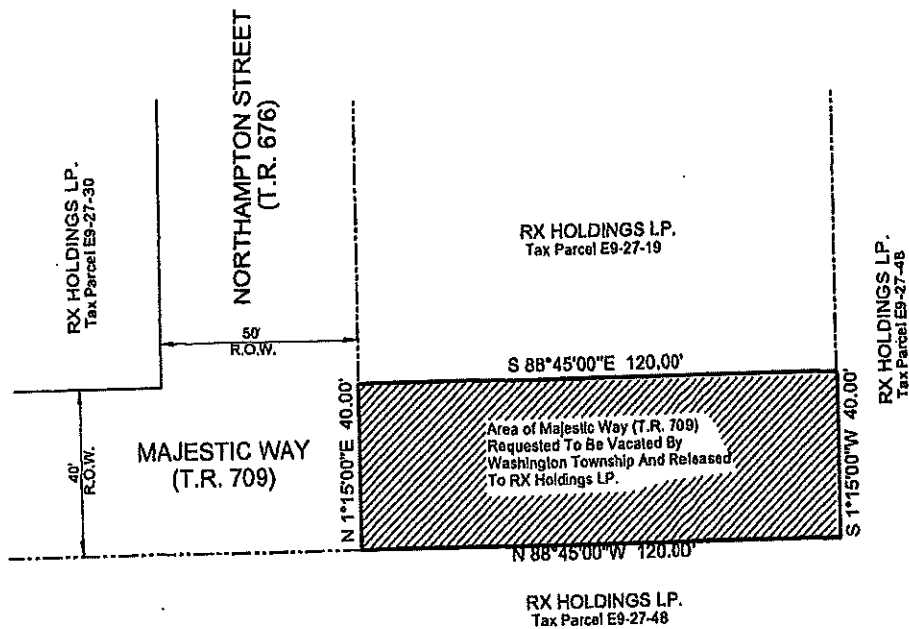
STATE OF _____ :
COUNTY OF _____ : SS.

On this the _____ day of _____, 2019, before me, a Notary Public, the undersigned officer, personally appeared _____, who acknowledged himself/herself to be a Supervisor of the Board of Supervisors of Washington Township, a second Pennsylvania limited liability company, and that he/she, being authorized to do so, executed the foregoing instrument for the purposes therein contained by signing the name of the Township by himself/herself as Supervisor.

IN WITNESS WHEREOF, I have hereunto set my hand and notary seal the day, month and year aforesaid.

Notary Public

EXHIBIT A



PLAN SHOWING AREA OF MAJESTIC WAY
 REQUESTED TO BE VACATED BY WASHINGTON
 TOWNSHIP AND RELEASED TO RX HOLDINGS L.P.

WASHINGTON TOWNSHIP
 NORTHAMPTON COUNTY, PENNA.

GEORGE J. COLLURA
 Professional Land Surveyors
 800 Roosevelt Avenue, Roseto, Pa. 18013

Scale: 1"=30'

MAY 20, 2019

A-19-2737

DESCRIPTION

Portion of Majestic Way (TR 709) roadway requested to be vacated by Washington Township and released to RX Holdings LP.

Beginning at a point on the easterly right-of-way line of Northampton Street (T.R.676), a corner also in land of RX Holdings, LP (Northampton County Tax Parcel I.D. No.E9-27-19); thence along said land South 88 Degrees 45 Minutes 00 Seconds East 120.00 Feet to a point in line of other land of RX Holdings, LP (Northampton County Tax Parcel I.D. No.E9-27-48); thence along said land the following two courses and distances: (1) South 1 Degree 15 Minutes 00 Seconds West 40.00 Feet to a point; (2) North 88 Degrees 45 Minutes 00 Seconds West 120.00 Feet to a point (the intersection of the easterly right-of-way line of Northampton St. with the southerly right-of-way line of Majestic Way; thence along said easterly right-of-way line of Northampton Street North 1 Degree 15 Minutes 00 Seconds East 40.00 Feet to the place of beginning

CERTIFIED ORDINANCE

The undersigned, Gail Putvinski, Secretary of Washington Township, Northampton County, Pennsylvania, hereby certifies that the attached document is a true and correct copy of Washington Township Ordinance No. 294, as adopted by the Washington Township Board of Supervisors on August 14, 2019, and is presented for filing purposes.



Gail Putvinski,

Washington Township Secretary

(SEAL)

COPY

ORIG CERT
SENT TO T. FAUL
8/16/19 DP

Gail Putvinski-Washington Township

From: Terence L. Faul <tfaul@Kingspry.com>
Sent: Thursday, August 15, 2019 10:47 AM
To: 'wtbs@epix.net'
Cc: CERAUL (ceraul@rcn.com)
Subject: Rx Holdings, L.P. / BioSpectra - ordinance
Attachments: ORDINANCE CERTIFICATION (00666296xB1AD4).docx

Good morning, Gail

Pursuant to the terms of the agreement reached between the township and RxHoldings, we are required to record the ordinance vacating the road. In speaking to Dave Ceraul, he suggested that a certified copy of the ordinance could be recorded. Would you please print the attached certification, sign it, affix the township seal, attach a copy of the signed ordinance, and forward the original signed certification to me for recording. If you have any questions, please do not hesitate to contact me or Dave.

Terry Faul



Terence L. Faul, Attorney
King, Spry, Herman, Freund & Faul LLC
One West Broad Street Suite 700
Bethlehem, PA 18018
610-332-0390
www.kingspry.com
[Bio - vCard](#)

ATTORNEY FAUL.

ATTACHED AS
REQUESTED.

GAIL
WASHINGTON TWP

THE INFORMATION CONTAINED IN THIS COMMUNICATION IS A TRANSMISSION FROM THE LAW FIRM OF KING SPRY HERMAN FREUND & FAUL AND IS INFORMATION PROTECTED BY THE ATTORNEY/CLIENT AND/OR ATTORNEY/WORK PRODUCT PRIVILEGE. IT IS INTENDED ONLY FOR THE PERSONAL AND CONFIDENTIAL USE OF THE RECIPIENT(S) NAMED ABOVE, AND THE PRIVILEGES ARE NOT WAIVED BY VIRTUE OF THIS HAVING BEEN SENT BY ELECTRONIC MAIL. IF THE PERSON ACTUALLY RECEIVING THIS COMMUNICATION, OR ANY OTHER READER OF THIS COMMUNICATION, IS NOT THE NAMED RECIPIENT, ANY USE, DISSEMINATION, DISTRIBUTION OR COPYING OF THE COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE AND DELETE THE ORIGINAL MESSAGE FROM YOUR SYSTEM. THANK YOU.

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Gail Putvinski,

Washington Township Secretary

(SEAL)

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Gail Putvinski-Washington Township

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Terry Faul

ATTORNEY FAUL.

ATTACHED AS
REQUESTED.



Terence L. Faul, Attorney
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610-332-0390
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GAIL
WASHINGTON TWP

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