

**ORDINANCE NO. 261**

**AN ORDINANCE OF THE BOROUGH OF BALLY,  
BERKS COUNTY, PENNSYLVANIA, TO OPEN AN  
EXTENSION OF FOURTH STREET WITHIN THE  
PARK PLACE IN BALLY SUBDIVISION, PHASES I AND II**

WHEREAS, Pursuant to the authority granted to the Borough of Bally by section 1731 et seq. of the Borough Code (53 P.S. § 46731), Borough Council is given authority to accept any opened street not previously dedicated to or laid out by the Borough; and

WHEREAS, Montgomery Meadows, Inc. (hereinafter, the "Developer") is the owner of property situate in the Borough of Bally, County of Berks, Commonwealth of Pennsylvania, more fully described in deed recorded in Deed Book Volume 2782, page 1736, Berks County Records; and

WHEREAS, Developer has submitted and has had approved a plan of subdivision for a portion of the above-described property, which plan of subdivision is described as Phase I of the plan of subdivision prepared by Aston Surveyors/Engineers, dated June 24, 1997, last revised July 10, 1997, commonly known as "**Park Place In Bally**," recorded in Berks County Plan Book 222, Page 66;

WHEREAS, Developer is the owner of property situate in the Borough of Bally, County of Berks, Commonwealth of Pennsylvania, more fully described in deed recorded in Deed Book Volume 2927, page 1625, Berks County Records;

WHEREAS, Developer has submitted and has had approved a plan of subdivision for a portion of the above-described property, which plan of subdivision is commonly known as "**Park Place in Bally Phase II**," and is recorded in Berks County Plan Book 235, Page 22;

WHEREAS, the Developer does desire to dedicate to the Borough the property within Phases I and II of the above-referenced Plans necessary to open the extension of Fourth Street as a public street in the Borough of Bally as shown on said Plans.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Borough Council of the Borough of Bally, and it is hereby enacted and ordained as follows:

SECTION 1. Pursuant to the to the authority granted to it by section 1731 et seq. of the Borough Code (53 P.S. § 46731), Borough Council does hereby accept and ordain as a public street those extensions of Fourth Street described in Exhibits "A" and "B", attached hereto and incorporated by reference herein, to and for the use of the Borough, its successors and assigns forever, as and for a public street or road, to the same extent and with the same effect as if the street had been opened by a Decree of the Court of Quarter Sessions for the County of Berks, after proceedings duly had for that purpose under the provisions of the Pennsylvania Borough Code (53 P.S. § 46731 et seq.).

SECTION 2. Said extension shall become part of and shall be known as "Fourth Street."

SECTION 3. Should any section or provision of this Ordinance be declared to be invalid by the courts, such decision shall not affect the validity of the Ordinance as a whole, nor the validity of any section or provisions of the Ordinance other than the one so declared.

SECTION 4. All other ordinances or parts of ordinances which are contrary to the provisions of this Ordinance are hereby repealed to the extent necessary to give this Ordinance full force and effect.

SECTION 5. This Ordinance shall take effect THIRTY DAYS after its enactment.

APPROVED by the Borough Council of the Borough of Bally and ENACTED into an Ordinance of the Borough this 1 day of AUGUST, 2006.

BOROUGH OF BALLY  
BOROUGH COUNCIL

Attest:

Luis L. Hernandez  
Borough Manager

By:

[Signature]  
President

APPROVED:

Philip W. Ferruzzi  
Mayor

EXHIBIT "A"

ALL THAT CERTAIN street (46' wide) known as Fourth Street situate in Bally Borough, Berks County, Pennsylvania, and shown on the Revised Final Plan of "Park Place" Phase I and recorded in Plan Book Volume 222 page 66 Berks County, and being more fully bounded and described as follows, to wit:

BEGINNING at a point on the southern right-of-way line of Fourth Street, a corner of lands of William and Joan Kelsch; thence along the southern right-of-way line of Fourth Street the four following courses and distances:

1. North 60 degrees 12 minutes 31 seconds West 125.27 feet to a point of curvature.
2. By a tangent curve to the left having a radius of 112.00 feet, a central angle of 63 degrees 29 minutes 32 seconds, an arc length of 124.11 feet, a chord bearing of South 88 degrees 02 minutes 42 seconds West, and a chord length of 117.86 feet to a point of reverse curvature.
3. By a reverse curve to the right having a radius of 158.00 feet, a central angle of 63 degrees 54 minutes 31 seconds, an arc length of 176.24 feet, a chord bearing of South 88 degrees 15 minutes 10 seconds West, and a chord length of 167.24 feet to a point of tangency.
4. North 59 degrees 47 minutes 33 seconds West 207.91 feet to a point in line of Phase II.

Thence along Phase II North 30 degrees 15 minutes 00 seconds East 46.00 feet to a point on the northern right-of-way line of Fourth Street; thence along the northern right-of-way line of Fourth Street the three following courses and distances;

1. South 95 degrees 47 minutes 33 seconds East 207.88 feet to a point of curvature.
2. By a tangent curve to the left having a radius of 112.00 feet, a central angle of 63 degrees 54 minutes 31 seconds, an arc length of 124.93 feet, a chord bearing of North 88 degrees 15 minutes 09 seconds East, and a chord length of 118.55 feet to a point of reverse curvature.
3. By a reverse curve to the right having a radius of 158.00 feet, a central angle of 33 degrees 21 minutes 00 seconds, an arc length of 91.97 feet, a chord bearing of North 72 degrees 58 minutes 26 seconds East, and a chord length of 90.67 feet to a point on the property line of Park Place Phase I.

Thence along the property line of Park Place Phase I South 59 degrees 51 minutes 00 seconds East 203.68 feet to a point in the pavement of Fourth Street. Thence in the pavement of Fourth Street South 27 degrees 29 minutes 32 seconds West 23.38 feet to a point the place of beginning.

CONTAINING 25,169 square feet.

**EXHIBIT "B"**

ALL THAT CERTAIN street (46' wide) known as Fourth Street situate in Bally Borough, Berks County, Pennsylvania, and shown on the Final Plan of "Park Place" Phase II and recorded in Plan Book Volume 235 Page 22 Berks County, and being more fully bounded and described as follows to wit:

BEGINNING at a point on the southern right-of-way line of Fourth Street, a corner of Lot #8 and the terminus of Phase I; thence along the southern right-of-way line of Fourth Street and along lots 8, 9 and 24 North 59 degrees 47 minutes 42 seconds West 434.18 feet to a point of curvature; thence by a curve to the left entering the right-of-way line of Dogwood Street having a radius of 11.00 feet, a central angle of 90 degrees 01 minutes 50 seconds, an arc length of 17.28 feet, a chord bearing of South 75 degrees 11 minutes 23 seconds West and a chord length of 15.57 feet to a point on the eastern right-of-way line of Dogwood Street. Thence along the eastern right-of-way line of Dogwood Street North 30 degrees 10 minutes 28 seconds East 68.00 feet to a point a corner of Lot #138; thence along Lot #138 by a reverse tangent curve to the left, in a southerly direction, having a radius of 11.00 feet, a central angle of 89 degrees 58 minutes 10 seconds, an arc length of 17.27 feet, a chord bearing South 14 degrees 48 minutes 37 seconds East and a chord length of 15.55 feet to a point on the northern right-of-way line of Fourth Street; thence along the northern right-of-way line of Fourth Street South 59 degrees 47 minutes 42 seconds East 434.24 feet to the terminus of Phase I; thence crossing Fourth Street, and along Phase I South 30 degrees 15 minutes 00 seconds West 46.00 feet to a point the place of beginning.

CONTAINING 20,531 square feet.