

**SOUTH MIDDLETON TOWNSHIP  
CUMBERLAND COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 01-12**

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF SOUTH MIDDLETON TOWNSHIP, CUMBERLAND COUNTY, PENNSYLVANIA (“TOWNSHIP”) ADOPTING, ACCEPTING, AND AUTHORIZING THE EXECUTION OF THE TRANSFER AND RESUMPTION AGREEMENT (“AGREEMENT”) WITH THE COMMONWEALTH OF PENNSYLVANIA, DEPARTMENT OF TRANSPORTATION (“COMMONWEALTH”); PROVIDING FOR, PERMITTING AND AUTHORIZING THE TRANSFER OF A PORTION OF ALLEN ROAD (ALSO KNOWN AS T-687 AND TRAFFIC ROUTE 465) TO THE COMMONWEALTH; PROVIDING FOR, PERMITTING AND AUTHORIZING THE TOWNSHIP TO ACCEPT A PORTION OF PETERSBURG ROAD (ALSO KNOWN AS STATE ROUTE 2001) FROM THE COMMONWEALTH; ACCEPTING OFFERS OF PUBLIC DEDICATION OF VARIOUS RIGHTS-OF-WAY ALONG ALLEN ROAD AS REQUIRED BY THE AGREEMENT; AND AUTHORIZING AND DIRECTING THE PROPER TOWNSHIP OFFICIALS TO EXECUTE AND DELIVER ALL DOCUMENTS AND TO TAKE ACTION AS MAY BE NECESSARY

WHEREAS, South Middleton Township (“Township”) is a Township of the Second Class organized and existing under and pursuant to the laws of the Commonwealth of Pennsylvania; and

WHEREAS, the Department of Transportation (“Commonwealth”) is an agency of the Commonwealth of Pennsylvania charged with the jurisdiction and control of state roads and highways; and

WHEREAS, the Commonwealth has the authority and power to transfer ownership, jurisdiction and control over certain roads and highways to municipalities such as the Township, pursuant to 75 Pa. C.S.A., Chapter 92; and

WHEREAS, the Commonwealth has the authority and power to take certain roads and highways from municipal control and to assume ownership, jurisdiction and control over such roads and highways pursuant to the State Highway Law; and

WHEREAS, the Second Class Township Code, Article XXIII authorizes and conveys certain authority and powers to the Board of Supervisors of the Township over roads, streets and highways within the Township; and

WHEREAS, the Second Class Township Code, Article XXIII, provides that the powers of the Commonwealth have precedence over the rights, duties and responsibilities of the Township; and

WHEREAS, Allen Road (also known as T-687 and TR465) is in part under the control and jurisdiction of the Township and in part under the control and jurisdiction of the Commonwealth; and

WHEREAS, the Commonwealth had conveyed said portion of Allen Road to the Township, by Agreement effective December 30, 1983; and

WHEREAS, the Commonwealth has notified the Township of its willingness and intent to assume jurisdiction over, and responsibility for that portion of Allen Road presently under the control of the Township; and

WHEREAS, the Commonwealth has agreed to maintain Allen Road as a public road open for public use and travel; and

WHEREAS, the Board of Supervisors of South Middleton Township (“Board”) has determined that it is in the best interest of citizens of the Township to willingly relinquish ownership, jurisdiction and control over that portion of Allen Road and transfer such jurisdiction and control to the Commonwealth; and

WHEREAS, Petersburg Road (also known as SR2001) is in part under the control and jurisdiction of the Township, while a portion of Petersburg Road is under the control and jurisdiction of the Commonwealth; and

WHEREAS, the Commonwealth has further indicated its willingness and intention to relinquish control and jurisdiction over, and responsibility for the portion of Petersburg Road under its control to the Township; and

WHEREAS, the Township intends to maintain Petersburg Road as a public road open for public travel; and

WHEREAS, the Board has determined that it is in the best interest of the Township to accept ownership, jurisdiction and control over that portion of Petersburg Road; and

WHEREAS, the Commonwealth has presented the Township with a Transfer and Resumption Agreement (“Agreement”) to memorialize the transfer of the aforesaid roads as well as to identify the parties’ respective areas of responsibility; and

WHEREAS, paragraph 11 of said Agreement requires the Township to accept all existing offers of dedication of public right-of-way for Allen Road prior to execution of the Agreement; and

WHEREAS, the Board, by Resolution 2001-28, adopted September 27, 2001 previously accepted offers of public right-of-way as shown on Plans approved by the Board and recorded with the Recorder of Deeds; and

WHEREAS, it is the intention of the Board, inter alia, to further memorialize said Resolution by including the provisions of said Resolution in this Ordinance.

BE IT ORDAINED AND ENACTED AS FOLLOWS:

**SECTION ONE.**  
**INCORPORATION OF RECITALS**

The recitals set forth above are incorporated herein by reference thereto and made a part of this Ordinance as though set forth fully herein.

**SECTION TWO.**  
**TRANSFER AND RESUMPTION AGREEMENT**

1. The Board of Supervisors of South Middleton Township determines, finds and concludes that a cooperative agreement with the Commonwealth in order to effectuate the transfer of Allen Road and Petersburg Road, inter alia, between the Commonwealth and the Township is in the best interest of the Township and its citizens.

2. The Board of Supervisors of South Middleton Township, the governing body thereof, hereby accepts and approves the Transfer and Resumption Agreement between the Township and the Commonwealth of Pennsylvania and authorizes its execution by the Chairman with the intent to bind the Township.

**SECTION THREE.**  
**TRANSFER OF ALLEN ROAD**

1. The Board of Supervisors of South Middleton Township finds and concludes that the Township's portion of Allen Road, because of its proximity to Interstate 81, has become burdensome for the Township to maintain in that it requires a different and higher level of service than other roads within the Township, and that the Township's portion of Allen Road has become difficult to administer due to rapid growth in and around Exit 44 of Interstate 81.

2. The Board of Supervisors of South Middleton Township finds and concludes that acceptance of the Commonwealth's offer to assume jurisdiction and control over the Township's portion of Allen Road is in the best interest of the Township and its citizens.

3. The Board of Supervisors of South Middleton Township hereby relinquishes ownership, control, jurisdiction and responsibility for the Township's portion of Allen Road and transfers ownership, control, jurisdiction and responsibility for that portion of Allen Road between State Route 3023 (also known as Walnut Bottom Road) to Interstate 81 to the Commonwealth.

**SECTION FOUR.**  
**PETERSBURG ROAD**

1. The Board of Supervisors of South Middleton Township finds and concludes that acceptance of the Commonwealth's offer to transfer ownership, control, jurisdiction and responsibility for the Commonwealth's portion of Petersburg Road to the Township is in the best interest of the Township and its citizens.

2. The Board of Supervisors of South Middleton Township hereby approves, accepts and agrees to the assumption of jurisdiction and control, and to the transfer of the Commonwealth's portion of Petersburg Road from the Commonwealth to the Township.

3. The portion of Petersburg Road herein accepted is as follows:

- a. SR2001 from segment 0010, offset 0000 to segment 0060 offset 1331;
- b. A distance of 2.999 miles
- c. LR21065 from station 0+00 to station 158+31
- d. A distance of 15,839 feet or 2.999 miles
- e. Actual footage and mileage field measured as 15,839 feet or 2.999 miles

**SECTION FIVE.**  
**INCORPORATION OF RESOLUTION**  
**AND ACCEPTANCE OF RIGHTS-OF-WAY**

1. It is the intention of the Board of Supervisors of South Middleton Township to accept previously offered rights-of-ways along Allen Road as set forth in and a condition precedent to execution of the Transfer and Resumption Agreement.

2. It is the further intention of the Board of Supervisors of South Middleton Township to accept such offers of dedication by Ordinance as had been previously accepted by Resolution 2001-28.

3. The offers of dedication of public right-of-way previously made but unaccepted by the Township are hereby accepted.

4. The offers of public dedication set forth in Section 2 of Resolution 2001-28, adopted on September 27, 2001, are incorporated herein as though same were set forth herein at length.

**SECTION SIX.**  
**REPEALER**

This Ordinance shall become effective immediately.

ORDAINED AND ENACTED THIS 27<sup>th</sup> day of September, 2001.

BOARD OF SUPERVISORS OF  
SOUTH MIDDLETON TOWNSHIP

ATTEST:

/S/ Sandra A. Quickel  
Secretary

/S/ James N. Baker  
Chairman

/S/ Linda G. Adcock

/S/ Thomas Faley

/S/ Phyllis W. Givler

/S/ R. Duff Manweiler