

BOARD OF SUPERVISORS OF LOWER NAZARETH TOWNSHIP
NORTHAMPTON COUNTY, PENNSYLVANIA

RESOLUTION *LR-22-12*

WHEREAS, under the Authority of the Act of May 1, 1933, P.L. 103, Article XI, Section 1140, as amended (53 P.S. Section 66140, as amended) and of the Act of May 1, 1933, P.L. 103, Section 1140, as amended (53 P.S. Section 66140, as amended), the Supervisors of Lower Nazareth Township in the exercise of their official duties, may from time to time accept certain dedicated roads, streets and alleys in Lower Nazareth Township as part of the public road system of said Township, and

WHEREAS, Lower Nazareth Commons, LP, a Delaware Limited Partnership, by its Indenture dated the 18th day of October, 2012, conveyed all of its right, title and interest in a certain tract of land situated in Lower Nazareth Township, County of Northampton, and Commonwealth of Pennsylvania. Said Deed of Dedication shall be recorded in the Office for the Recording of Deeds in and for Northampton County, Pennsylvania, further bounded and described in Exhibit "A", attached hereto and made a part hereof.

NOW, THEREFORE, be it resolved that the Board of Supervisors of Lower Nazareth Township accept the aforesaid dedicated right-of-way as part of the public highway system of Lower Nazareth Township, and

FURTHER, BE IT RESOLVED, that a certain copy of this Resolution together with a draft or survey of same showing location and width thereof, be filed and recorded in the Office of the Clerk of Court of Quarter Sessions of Northampton County (now Clerk of Criminal Courts of Northampton County), Pennsylvania.


DULY PASSED AND RESOLVED This 24th day of October, 2012.

**BOARD OF SUPERVISORS
LOWER NAZARETH TOWNSHIP**

BY: 

ERIC NAGLE, Chairman

ATTEST:


TIMM TENGES, Secretary

I HEREBY CERTIFY that I am the Secretary of the Board of Supervisors of Lower Nazareth Township and that the foregoing is a true and correct copy of a Resolution passed on the 24th day of October, 2012, at a Regular Meeting of said Board.


TIMM TENGES, Secretary

DEED OF DEDICATION

THIS INDENTURE, Made this 18 day of October, 2012.

BETWEEN: LOWER NAZARETH COMMONS, LP, a Delaware Limited Partnership, with office located c/o Regency Realty Group, Inc., 150 Monument Road, Suite 406, Bala Cynwyd, Pennsylvania, Party of the First Part, (hereinafter called "GRANTOR");

A
N
D

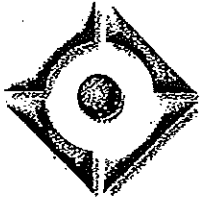
TOWNSHIP OF LOWER NAZARETH, Northampton County, Pennsylvania, Party of the Second Part, (hereinafter called the "GRANTEE").

W I T N E S S E T H :

That the said Grantor, for and in consideration of the advantage to it accruing well as for divers other considerations affecting the public welfare which it seeks to advance, has granted, bargained, sold, aliened, enfeoffed, released and confirmed and by these presents does grant, bargain, sell, alien, enfeoff, release and confirm unto the said Grantee, its successors and assigns:

DRYLAND WAY - more particularly described in Exhibit "A"
attached hereto and made a part hereof

Exhibit "A"



CONTROL POINT ASSOCIATES, INC.

traditional methods | modern approaches

New Britain Corporate Center
1600 Manor Drive, Suite 120
Chalfont, PA 18914
Tel. 215.712.9800
Fax. 215.712.9802
www.cpasurvey.com

October 15, 2008
CP06236

METES AND BOUNDS DESCRIPTION
DRYLAND WAY
PART OF LOT 2 & LOT 2D, BLOCK 9A
LANDS NOW OR FORMERLY
LOWER NAZARETH COMMONS, LP
LOWER NAZARETH TOWNSHIP, NORTHAMPTON COUNTY
COMMONWEALTH OF PENNSYLVANIA

BEGINNING AT THE NORTHEASTERLY MOST CORNER OF DRYLAND WAY (F.K.A. AVENUE A, 50 FOOT WIDE RIGHT-OF-WAY), SAID POINT BEING DISTANT 356.00 FEET AND A COURSE OF SOUTH 80 DEGREES 43 MINUTES 03 SECONDS WEST, FROM A POINT ON THE SOUTHWESTERLY LEGAL RIGHT-OF-WAY LINE OF NAZARETH ROAD (A.K.A. PENNSYLVANIA STATE HIGHWAY ROUTE 248, A.K.A. S.R., A.K.A. L.R. 175, A.K.A. PENNSYLVANIA ROUTE 248, VARIABLE WIDTH RIGHT-OF-WAY), AT ITS INTERSECTION WITH THE DIVIDING LINE BETWEEN LOT 2D, BLOCK 9A, LANDS NOW OR FORMERLY LOWER NAZARETH COMMONS, LP AND LOT 1, BLOCK 9A, LANDS NOW OR FORMERLY WEGMANS FOOD MARKETS, INC. AND FROM SAID POINT OF BEGINNING RUNNING, THENCE;

THE FOLLOWING FOUR (4) COURSES AND DISTANCES ON THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF DRYLAND WAY:

1. SOUTH 44 DEGREES 00 MINUTES 17 SECONDS WEST, A DISTANCE OF 186.54 FEET TO A POINT OF CURVATURE, THENCE;
2. ALONG THE ARC OF A CIRCLE CURVING TO THE LEFT, HAVING A RADIUS OF 35.00 FEET, A CENTRAL ANGLE OF 89 DEGREES 17 MINUTES 23 SECONDS, AN ARC LENGTH OF 54.54 FEET, A CHORD BEARING OF SOUTH 00 DEGREES 59 MINUTES 00 SECONDS EAST, AND A CHORD DISTANCE OF 49.19 FEET TO A POINT OF TANGENCY, THENCE;
3. SOUTH 45 DEGREES 37 MINUTES 42 SECONDS EAST, A DISTANCE OF 977.79 FEET TO A POINT OF CURVATURE, THENCE;
4. ALONG THE ARC OF A CIRCLE CURVING TO THE LEFT, HAVING A RADIUS OF 32.00 FEET, A CENTRAL ANGLE OF 88 DEGREES 24 MINUTES 44 SECONDS, AN ARC LENGTH OF 49.38 FEET, A CHORD BEARING OF SOUTH 89 DEGREES 50 MINUTES 04 SECONDS EAST, AND A CHORD DISTANCE OF 44.62 FEET TO A POINT OF CUSP ON THE NORTHWESTERLY RIGHT-OF-WAY LINE OF CORRIERE ROAD (50 FOOT WIDE RIGHT-OF-WAY), THENCE;
5. ALONG THE NORTHWESTERLY RIGHT-OF-WAY LINE OF CORRIERE ROAD, AN ARC OF A CIRCLE CURVING TO THE LEFT, HAVING A RADIUS OF 2,025.00 FEET, A CENTRAL ANGLE OF 03 DEGREES 10 MINUTES 33 SECONDS, AN ARC LENGTH OF 112.24 FEET, A CHORD BEARING OF SOUTH 44 DEGREES 22 MINUTES 18 SECONDS WEST, AND A CHORD DISTANCE OF 112.23 FEET TO A POINT OF CUSP, THENCE;

THE FOLLOWING THREE (3) COURSES AND DISTANCES ALONG THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF DRYLAND WAY:

Corporate Office
35 Technology Drive, Warren, NJ 07059
tel: 908.668.0099 fax: 908.668.9595

Exhibit "A"

Branch Office
352 Turnpike Road, Suite 201, Southborough, MA 01772
tel: 508.948.3000 fax: 508.948.3002

Professional Land Surveying and Consulting Services

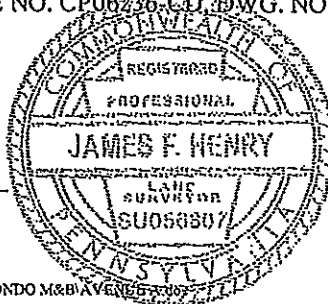


6. ALONG THE ARC OF A CIRCLE CURVING TO THE LEFT, HAVING A RADIUS OF 32.00 FEET, A CENTRAL ANGLE OF 88 DEGREES 24 MINUTES 43 SECONDS, AN ARC LENGTH OF 49.38 FEET, A CHORD BEARING OF NORTH 01 DEGREES 25 MINUTES 20 SECONDS WEST, AND A CHORD DISTANCE OF 44.62 FEET TO A POINT OF TANGENCY, THENCE;
 7. NORTH 45 DEGREES 37 MINUTES 42 SECONDS WEST, A DISTANCE OF 1,072.25 FEET TO A POINT, THENCE;
 8. NORTH 44 DEGREES 00 MINUTES 17 SECONDS EAST, A DISTANCE OF 192.15 FEET TO A POINT, THENCE;
- THE FOLLOWING TWO (2) COURSES AND DISTANCES ALONG THE DIVIDING LINE BETWEEN LOT 2 & LOT 2D, BLOCK 9A, LANDS NOW FORMERLY LOWER NAZARETH COMMONS, LP AND LOT 1, BLOCK 9A:
9. NORTH 83 DEGREES 11 MINUTES 37 SECONDS EAST, A DISTANCE OF 26.09 FEET TO A REBAR, THENCE;
 10. NORTH 80 DEGREES 43 MINUTES 03 SECONDS EAST, A DISTANCE OF 72.79 FEET TO THE POINT AND PLACE OF BEGINNING.

CONTAINING 66,716 SQUARE FEET OR 1.532 ACRES

THIS PROPERTY IS SUBJECT TO RESTRICTIONS, COVENANTS, AND/OR EASEMENTS EITHER WRITTEN OR IMPLIED.

THIS DESCRIPTION WAS WRITTEN BASED UPON A MAP ENTITLED " CONDOMINIUM PLAT, REGENCY REALTY GROUP, INC., NAZARETH ROAD & CORRIERE ROAD, PART OF LOT 2, BLOCK 9A, UNITS 1-6, LOWER NAZARETH TOWNSHIP, NORTHAMPTON COUNTY, COMMONWEALTH OF PENNSYLVANIA", PREPARED BY CONTROL POINT ASSOCIATES, INC., DATED 6/4/2008, FILE NO. CP06236 CD, DWG. NO. 1 OF 1.



10/15/2008

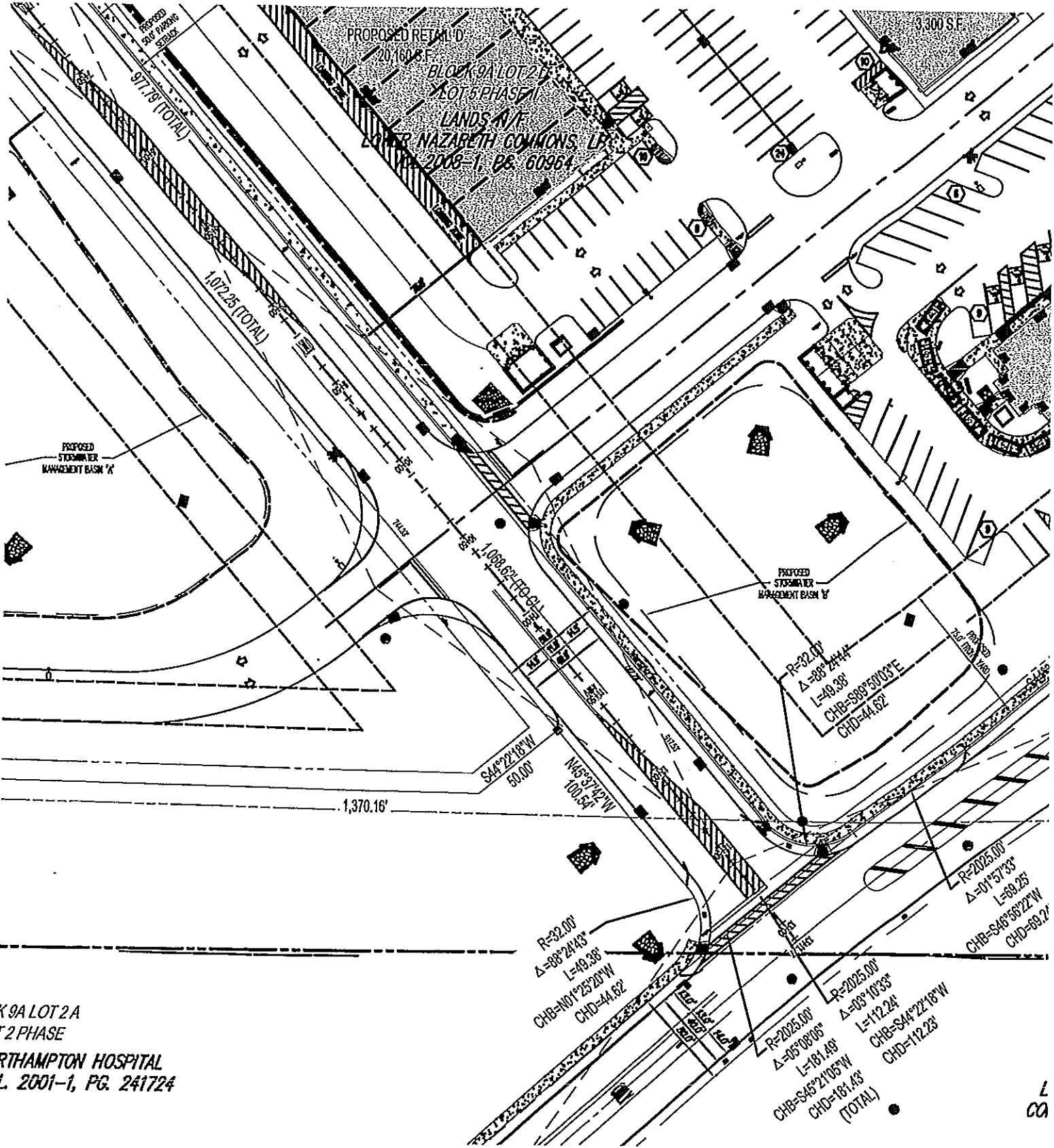
JAMES F. HENRY, P.L.S.
 PENNSYLVANIA PROFESSIONAL
 LAND SURVEYOR NO. SU056807

DATE

S:\06\CP06236\DESCRIPTIONS\METES & BOUNDS DESCRIPTIONS\CONDO M&B\AVENUE.DWG

BEING PART OF PREMISES MORE PARTICULARLY DESCRIBED IN THE OFFICE FOR THE RECORDING OF DEEDS IN AND FOR NORTHAMPTON COUNTY IN BOOK 2008-1, PAGE 60964.

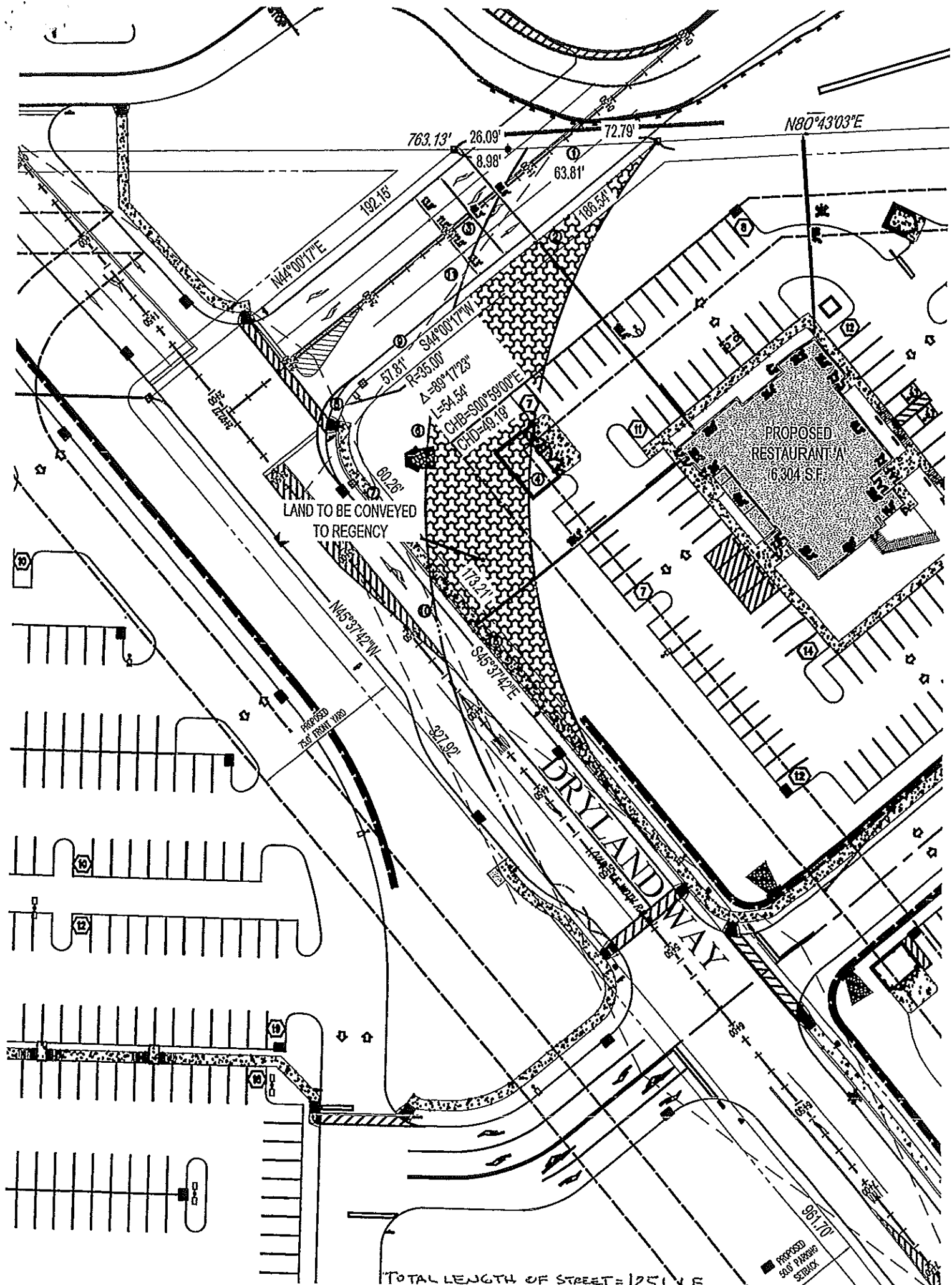
PART OF TAX PARCEL K8 - 9A - 2



K 9A LOT 2A
T 2 PHASE
RTHAMPTON HOSPITAL
L. 2001-1, PG. 241724

TOTAL LENGTH OF STREET = 1,251 LF.

L
CO



LAND TO BE CONVEYED TO REGENCY

PROPOSED RESTAURANT A
6,304 SF

PROPOSED 750' DRIVE 1,700

DRYLAND WAY

TOTAL LENGTH OF STREET = 1251.18

PROPOSED 500' PARKING SETBACK

763.13' 26.09' 72.79'

N80°43'03"E

N44°00'17"E

S44°00'17"W
R=35.00'
Δ=89°17'23"
L=54.54'
CHB=500°59'00"E
CHD=49.18'

N45°37'42"W

S45°37'42"E

961.70'

TO HAVE AND TO HOLD the said lot or piece of ground above described unto the said Grantee, to and for the only proper use and behalf of the said Grantee, its successors and assigns forever as and for a public street and highway and for no other use or purpose whatsoever and to the same extent and with the same effect as if the said street had been opened by a Decree of the Court of Quarter Sessions of the Peace for the County of Northampton, after proceedings duly had for that purpose under and in pursuance of the Road Laws of the Commonwealth of Pennsylvania.

And the said Grantor, for itself, its successors and assigns, by these presents covenants, promises and agrees to and with the said Grantee, its successors and assigns, that neither the Grantor nor its successors and assigns, shall nor will at any time thereafter, ask, demand or recover or receive of or from the said Grantee, its successors and assigns any sum or sums of money as and for damages for or by reason of the physical grading of said street to the grade as now established by the Board of Supervisors of the Township of Lower Nazareth, Grantee, and if such grade shall not be established at the day of the date of these presents that neither the said Grantor, nor its successors and assigns, shall nor will at any time thereafter ask, demand, recover, or receive any such damage by reason of the physical grading of said street to conform to the grade as first thereafter established or confirmed by the said Board of Supervisors of the Township of Lower Nazareth, Grantee.

And the said Grantor, for itself, its successors and assigns, does by these presents further covenant, promise and agree to and with said Grantee, its successors and assigns, that the said lot of ground above described unto the said Grantee, its successors and assigns, against it, the said Grantor, its successors and assigns, and against all and any persons or person whomsoever lawfully claiming or to claim the same or any part thereof, by, from or under him or them or any of them shall and will warrant and forever defend.

This being a conveyance of a public street to a Second Class Township, pursuant to the Second Class Township Code, no realty transfer taxes apply.

IN WITNESS WHEREOF, the said Grantor has hereunto set its hand and seal the day and year first above written.

LOWER NAZARETH COMMONS, LP

a Delaware limited partnership
By: Lower Nazareth LP, LLC, a Delaware limited liability company, its General Partner
By: Gregory Reilly Corp., a Florida corp, its member

ATTEST:

Sarah E. Wood

BY:

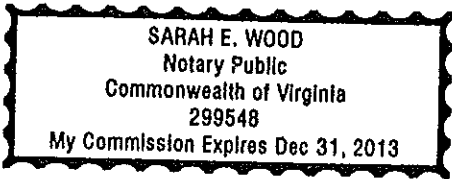
[Signature]

STATE OF Virginia
COUNTY OF Fairfax

} SS:

On this, the 18th day of October, 2012, before me, the undersigned officer, personally appeared Don Earl Steinhilber, who acknowledged himself to be the Vice President of Lower Nazareth Commons, LP, and that he, as such Vice President, being authorized to do so, executed the foregoing instrument for the purposes therein contained by signing the name of the company by himself as Vice President.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.



Sarah E. Wood
NOTARY PUBLIC

I HEREBY CERTIFY THAT The correct address of the Grantee is 306 Butztown Road, Bethlehem, Pennsylvania 18020-9684.

GARY NEIL ASTEAK, ESQUIRE