

Resolution 2008-16

Radnor Township

WHEREAS, George P. Noel and Mary Ellen C. Noel, are the owners of a certain residential property ("Noel Property") located at 114 Cumberland Place, Bryn Mawr, Radnor Township, Delaware County, Pennsylvania bearing tax folio number: 36-04-02190-17; and

WHEREAS, John P. McNabb and Dolores C. McNabb, are the owners of a certain residential property ("McNabb Property") located at 116 Cumberland Place, Bryn Mawr, Radnor Township, Delaware County, Pennsylvania, bearing tax folio number: 36-04-02190-18; and

WHEREAS, the Noel property and the McNabb property are located in a subdivision known as "Cumberland Hill" the plans for which were approved by Radnor Township in 1984; and

WHEREAS, the approved subdivision plans for Cumberland Hill provided for a future extension of the roadway known as Cumberland Place over parts of the Noel and McNabb Properties; and

WHEREAS, the Noel and McNabb properties are adjacent to each other and each borders the proposed future extension of Cumberland Place as laid out on the approved plans for Cumberland Hill; and

WHEREAS, the future extension of Cumberland Place has not been constructed and there are no plans for the said future construction of said extension; and

WHEREAS, more than 21 years have elapsed since the approval and the recording of the Subdivision by the Township of Radnor and the Township has not opened the proposed extension of Cumberland Place; and

WHEREAS, by reason of the fact that more than twenty-one (21) years has passed, the proposed extension of Cumberland Place has effectively been vacated and title to the property lies with Noel and McNabb; and

WHEREAS, Noel has owned the Noel Property since 1984 and McNabb has owned the McNabb Property since 1984 and both Noel and McNabb have maintained the property in question; and


WHEREAS, B. Duncan Hubley, P.E. has prepared plans dated April 22, 2008, showing the location of the property for the extension of Cumberland Place which plans are attached hereto and marked Exhibit "A" and made a part hereof; and

WHEREAS, Noel and McNabb desire to enter into an Amicable Action to Quiet Title and that it be recorded in the Office of the Recorder of Deeds for the County of Delaware under the terms of which Radnor Township would be forever barred from asserting any right, lien, title, right of way, or interest in the property represented by the proposed future extension of Cumberland Place. The said Amicable Action to Quiet Title shall be presented to the Radnor Township Solicitor and subject to his review and approval before being filed of record.

NOW THEREFORE, be it resolved that the Board of Commissioners of Radnor Township does hereby approve the proposed Agreement for Amicable Action to Quiet Title pursuant to PaRCP 1063(2) subject to the review and approval of the same by the Township Solicitor, and upon said approval being granted, the Township will forever relinquish any right, lien, title, right of way or interest of the property represented by the proposed extension of Cumberland Place as previously described and hereby directs the Township Manager to execute the Agreement which shall then be filed with the Office of the Recorder of Deeds for Delaware County, with all costs associated therewith to be borne by the property owners of 114 Cumberland Place and 116 Cumberland Place.

ENACTED and ORDAINED this 21<sup>st</sup> Day of July 2008, A.D.

TOWNSHIP OF RADNOR

BY:   
Harry G. Mahoney, Esquire  
President

Attest:   
Coretta N. Hutchinson, Secretary