

**TOWNSHIP OF WASHINGTON
FRANKLIN COUNTY, PENNSYLVANIA**

ORDINANCE NO. 163

AN ORDINANCE

OF THE BOARD OF SUPERVISORS OF WASHINGTON TOWNSHIP, FRANKLIN COUNTY, PENNSYLVANIA, BY AUTHORITY OF AND PURSUANT TO THE PROVISIONS OF ARTICLES VI THROUGH X OF ACT NO. 247, AS AMENDED, OF THE GENERAL ASSEMBLY OF THE COMMONWEALTH OF PENNSYLVANIA, APPROVED JULY 31, 1968, KNOWN AS, AND CITED AS THE "PENNSYLVANIA MUNICIPALITIES PLANNING CODE"; AND ANY AMENDMENTS AND SUPPLEMENTS THERETO, AMENDING ORDINANCE NO. 153, ADOPTED BY THE BOARD OF SUPERVISORS OF WASHINGTON TOWNSHIP ON APRIL 2ND, 2001, AND KNOWN AS THE WASHINGTON TOWNSHIP ZONING ORDINANCE.

WHEREAS, the Board of Supervisors of Washington Township, Franklin County, Pennsylvania, adopted on April 2, 2001, Washington Township Ordinance No. 153, known as the Washington Township Zoning Ordinance and thereafter as amended; and

WHEREAS, the Board of Supervisors of Washington Township deems it to be in the interest and welfare of the residents of the Township to amend the Washington Township Zoning Ordinance by altering the Washington Township Zoning Map and text as described below and as shown on the attached map.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED, and it is hereby enacted and ordained by the Board of Supervisors of Washington Township, Franklin County, Pennsylvania, that the Zoning Map of the Township adopted pursuant to Ordinance No. 153, known as the Washington Township Zoning Ordinance, be revised and Ordinance No. 153 is hereby amended as follows:

ARTICLE 1. Anthony and Jeffrey A. Bittner, property located at 11689 Buchanan Trail East. The zoning shall be changed from Agricultural (A) to Medium Density Residential (R-2) for Parcel 1 described below owned by Anthony Bittner and Jeffrey A. Bittner. The zoning shall be changed from Agricultural (A) to Commercial (C) for Parcel 2 described below owned by Anthony Bittner and Jeffrey A. Bittner.

Section 1, Parcel 1 to be changed to R-2: Beginning at a point on the division line between lands now or formerly of Walter H. Wishard at the northwest corner of the tract of real estate now or formerly of Lewlyen A. Harbaugh, which point is north 29 degrees 15 minutes west, 69.3 feet and north 26 degrees west, 122.3 feet from the northerly edge of Pennsylvania Highway Route 16 known as Buchanan Trail East

(formerly known as the Sunshine Trail); thence by said lands now or formerly of Walter H. Wishard, north 26 degrees west, 11.22 perches to a point; thence by the same, north 14 degrees east, 144.4 perches to a point on a private lane at corner of lands now or formerly of Wertz Orchards; thence by the same, south 74 $\frac{3}{4}$ degrees east, 96.3 perches; thence south 11 $\frac{1}{4}$ degrees west, 96.15 perches by lands now or formerly of Daniel Hess to a spike in a fence post at the northeast corner of real estate heretofore conveyed by Walter H. Wishard and wife to Charles S. Gardner, formerly occupied by Red Run Drive-In Theater; thence by said lands, north 85 degrees 55 minutes west, 667.8 feet to a point on the easterly side of a lane; thence by the easterly side of said lane, south 5 degrees 38 minutes west, 497 feet to a point; thence crossing said lane, south 82 degrees west, to a point on the westerly side of said lane at the northeast corner of lands now or formerly of John N. Flautt Estate; thence by the same, south 82 degrees west, 288.35 feet to a point; thence by other lands now or formerly of John N. Flautt Estate, south 82 degrees west, 440 feet to a point on the easterly line of lands now or formerly of Lewlyen A. Harbaugh; thence by said lands, north 8 degrees west, 103 feet to a point, thence by the same, south 82 degrees west, 270.9 feet to a point on the boundary line between other lands now or formerly of Walter H. Wishard, the place of beginning; AND CONTAINING 80 acres and 48 perches of land.

LESS, HOWEVER, the following tracts of real estate:

Tract containing 36,526 square feet, conveyed by R. Johnston Bittner and wife to Frank DeVilbiss and wife, by deed dated July 23, 1970, and recorded in Franklin County, PA, Deed Book Volume 652, page 616.

Tract containing 38,595 square feet conveyed by R. Johnston Bittner and wife to Richard D. Boyer and wife, by deed dated July 23, 1970, and recorded in Franklin County, PA, Deed Book Volume 652, page 620.

Parcel 2, tract containing 10.70 acres to be zoned Commercial and described below: Beginning at a point being common corner to now or formerly Red Run, LLC and now or formerly Herbert J. and Grace Layman and a point along the lands of the grantor; thence along the lands of the grantor and lands of said Layman North 15 degrees 06 minutes 16 seconds East 253.16 feet to a point; thence through the lands of the grantor the following two courses and distances: South 65 degrees 49 minutes 39 seconds East 530.00 feet to a point; thence South 15 degrees 06 minutes 16 seconds West 763.19 feet to a point along the lands of now or formerly Michael M. Miller; thence along the lands of said Miller the following three courses and distances: South 67 degrees 50 minutes 23 seconds West 95.39 feet to a point; thence North 75 degrees 02 minutes 18 seconds West 325.85 feet to a point; thence South 39 degrees 24 minutes 32 seconds West 299.01 feet to a point being common corner of the grantor, now or formerly of Red Run, LLC, and said Miller; thence along the lands of said Red Run, LLC, and the grantor the following three courses and distances: North 14 degrees 17 minutes 00 seconds East 18 feet to a point; thence North 15 degrees 36 minutes 26 seconds East 195.17 feet to a point; thence North 15 degrees 06 minutes 16 seconds

East 711.48 feet to a point, the point of beginning; containing 10.70 acres according to survey by McMillen Engineering, Inc.

ARTICLE 2. In all other respects, the provisions of Ordinance No. 153, as amended, and the Washington Township Zoning Map, as amended, shall remain in full force and effect.

ARTICLE 3. If any article, section or provision of this Ordinance should be decided by the courts to be unconstitutional or invalid, such decision shall not affect the validity of this Ordinance as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

ARTICLE 4. This ordinance shall take effect five (5) days after its enactment.

DULY ENACTED AND ORDAINED this 22nd day of December 2003, by the Board of Supervisors of Washington Township, Franklin County, Pennsylvania, in lawful session duly assembled.

**WASHINGTON TOWNSHIP
BOARD OF SUPERVISORS**

ATTEST:

BY Karen S. Hargrave
Karen S. Hargrave, Secretary

BY Paul G. Benchoff
Paul G. Benchoff, Chairman

I, Karen S. Hargrave, Secretary of the Board of Supervisors, Washington township, Franklin County, Pennsylvania, do certify that the foregoing is true and correct copy of an ordinance adopted at a regular meeting of the Washington Township Supervisors held _____, 2003, in a regular session duly assembled.

