

## PUBLIC NOTICE

**PLEASE TAKE NOTICE** that Zoning Hearing Board of Upper Gwynedd Township will hold an in-person public hearing(s) on Tuesday, March 28, 2023, at the Upper Gwynedd Township Building, 1 Parkside Place, North Wales (Upper Gwynedd Township), PA 19454, at 7:00 P.M. on the following matter:

**Hearing No. 23-04: Brian Moeller of 944 Crest Road, Lansdale, PA 19446, for property located at the same address,** for a variance from Section 195-12.B(3) of the Upper Gwynedd Zoning Code to permit a front yard setback of 44 feet where 50 feet is required for the construction of a roofed front porch. The Property is zoned R-2 Residential District.

**Hearing No. 23-05: Daniel and Angela Ginion of 869 Twinlyn Drive, Lansdale, PA 19446, for property located at the same address,** for a variance from Section 195-12.B(5) of 10 feet 4 inches to permit the reduction of the required rear yard from 50 feet to 39 feet, 8 inches to permit the construction of a one-story sunroom addition attached to the principal building. This property is zoned R-2 Residential.

**Hearing No. 23-06: North Penn Auto Service, LLC of 1605 Valley Forge Road, Lansdale, PA 19446,** appeals a Notice of Violation dated February 3, 2023, relating to the parking and/or storage of vehicles off-premises. The Property is zoned C - Commercial District.

**Hearing No. 23-07: Brian Connor of 104 Barberry Road, PA 19454, for property located at the same address,** for a variance from Section 195-12.B(5) of the Upper Gwynedd Zoning Code to permit a rear yard setback of 42.5 feet where 50 feet is required for the construction of a roof over an existing patio. The Property is zoned R-2 Residential District.

Copies of the application, exhibits, site plans or other materials received by the Township in connection with the above matter are on file with the Zoning Officer at the Township Building. Paper copies may be requested in writing from the Township at a cost as permitted by law. The public is invited to attend the public hearing and participate. If a member of the public would like to participate but requires assistance or accommodation, please contact the Township at [mweaver@uppergwynedd.org](mailto:mweaver@uppergwynedd.org) or (215) 699-7777 prior to 10:00 a.m. on March 28, 2023.

**Patrick Hitchens, Esquire**

Solicitor for the Zoning Hearing Board of  
Upper Gwynedd Township

***As stated in the legal advertisement, copies of the applications, exhibits, site plans or other materials received by the Township for zoning cases to be heard by the Zoning Hearing Board are on file with the Zoning Officer. In an effort to make these documents more accessible, electronic copies are available below. Because Pennsylvania law does not require applicants to submit exhibits in advance of a hearing, other materials may be presented at the hearing that were not submitted in advance or that may differ from the materials submitted. Therefore, any individual interested in a particular zoning case is encouraged to attend the hearing in order to be apprised of all documents and information presented.***

ZMB#23-04

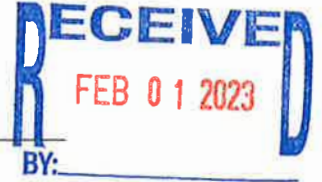
ZONING HEARING BOARD  
UPPER GWYNEDD TOWNSHIP  
MONTGOMERY COUNTY, PENNSYLVANIA  
Zoning Ordinance of November 23, 1987 as Amended

Check One

Date:

1-31-23

- APPLICATION FOR VARIANCE(S)
- APPLICATION FOR SPECIAL EXCEPTION(S)
- APPEAL FROM ZONING OFFICER'S DECISION/DETERMINATION(S)



PROPERTY ADDRESS/  
LOCATION 944 Crest Rd LOT SIZE .52 Acres ZONING DISTRICT Landsdale

Check One (Applicant)

- Owner
- Equitable Owner (under Agreement of Sale)
- Lessor
- Lessee

Check One

Applicant's Name: Brian Moeller  
Address: 944 Crest rd Landsdale  
Telephone: \_\_\_\_\_

Date Ownership Secured 2013  
Date of Agreement of Sale \_\_\_\_\_  
Date of Lease \_\_\_\_\_

Contractor's or Agent's Name Five Star Remodding

Public Water Yes  No \_\_\_\_\_  
Public Sewer Yes  No \_\_\_\_\_

Address 504 Rt 130N Suite 300 Cinnaminson NJ 08077

DANZ

Give full information as to Section of Zoning Ordinance involved and reasons why the Variance(s), Special Exception(s) or Appeal is desired and why it should be granted.

Front Porch is currently partially covered w/ 6' Ft overhang. Homeowners would like front porch to be fully covered w/ 10' Ft overhang.

[Signature]  
Owner's signature, if Applicant is not Owner, agreeing to this Application

Applicant's Signature [Signature]  
Please Print Name: DAVE BARAN

Attorney's Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone: \_\_\_\_\_

Record of Secretary - Zoning Hearing Board

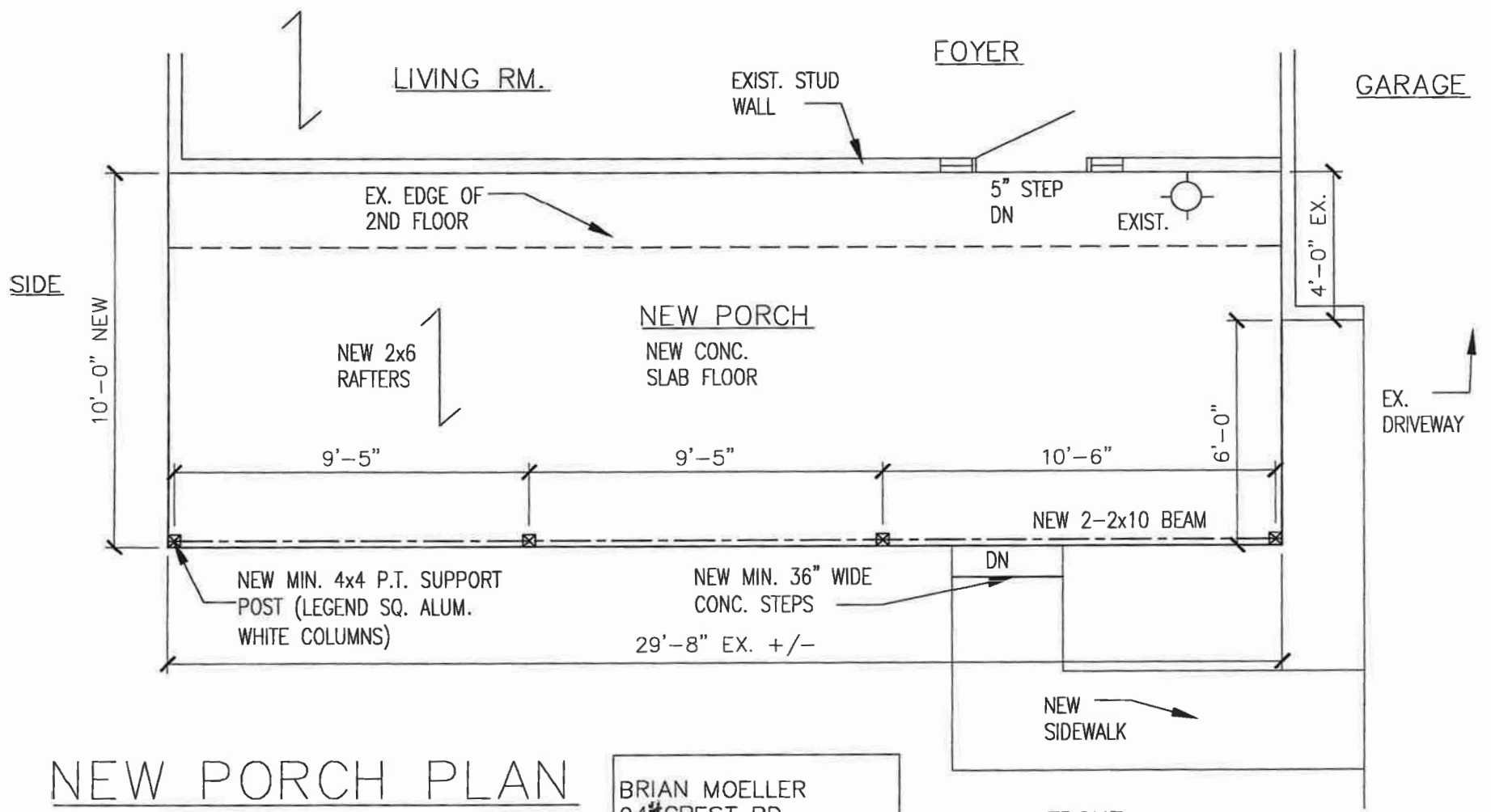
Application No. \_\_\_\_\_ Hearing Date(s) \_\_\_\_\_ Decision Date \_\_\_\_\_

VARIANCE(S)	Granted _____	Denied _____
SPECIAL EXCEPTION(S)	Granted _____	Denied _____
APPEAL	Granted _____	Denied _____

RESTRICTIONS/CONDITIONS (if any)

- ( ) Zoning Officer
- ( ) Zoning Hearing Board
- ( ) Board of Commissioners
- ( ) Zoning Solicitor

Signature of Secretary \_\_\_\_\_

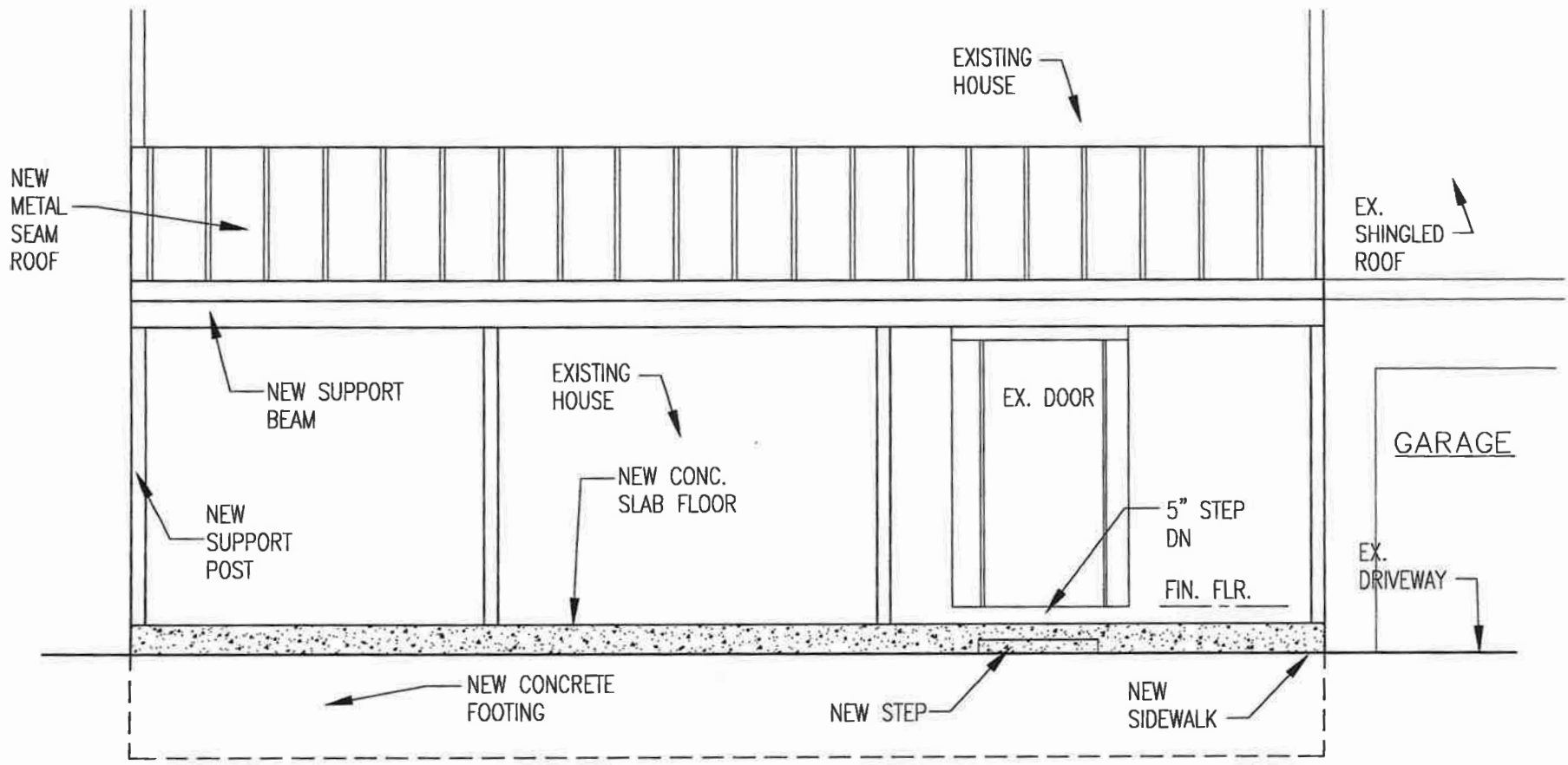


# NEW PORCH PLAN

SCALE: 1/4" = 1'-0"

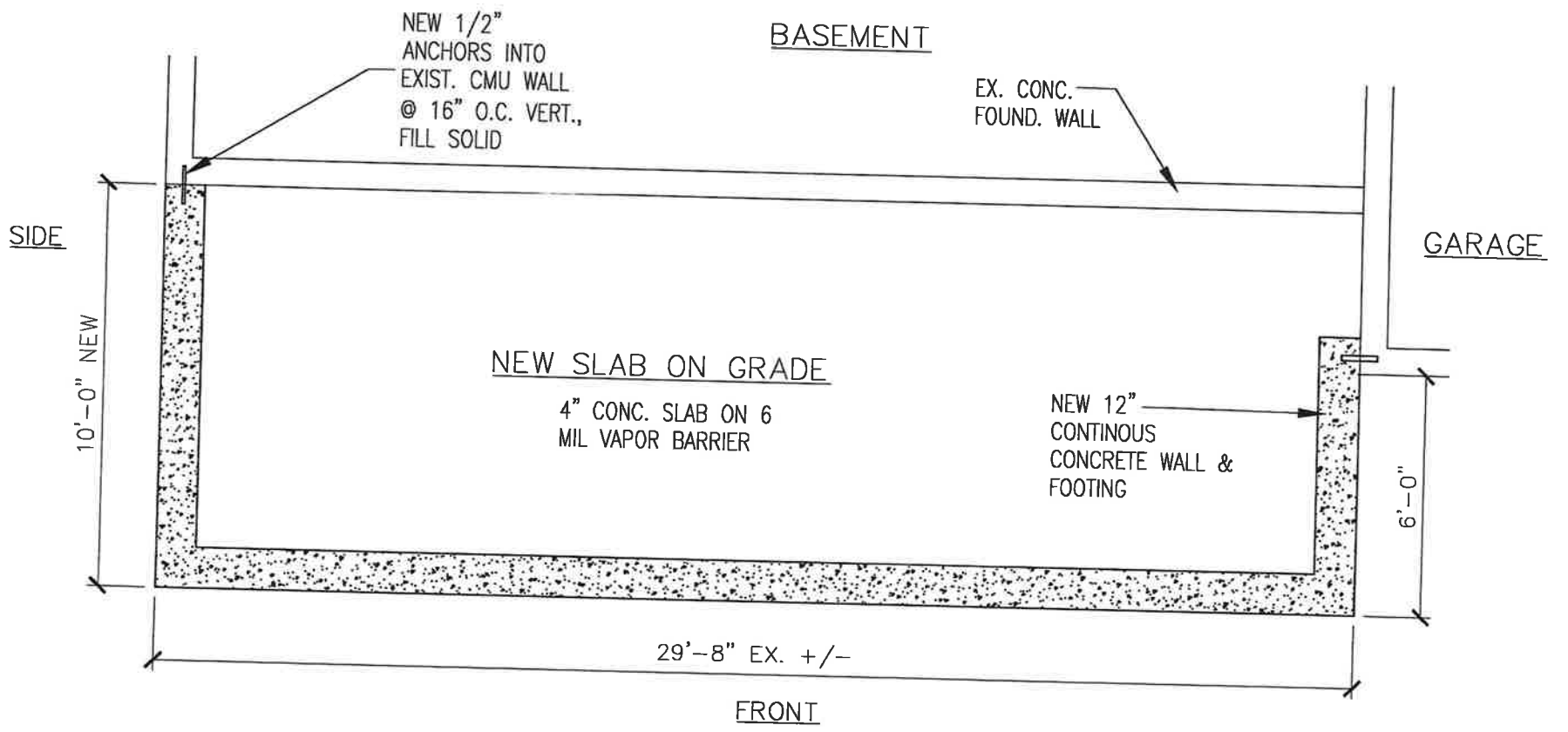
BRIAN MOELLER  
 944 CREST RD.  
 LANSDALE, PA

FRONT



NEW FRONT ELEVATION  
 SCALE: 1/4" = 1'-0"

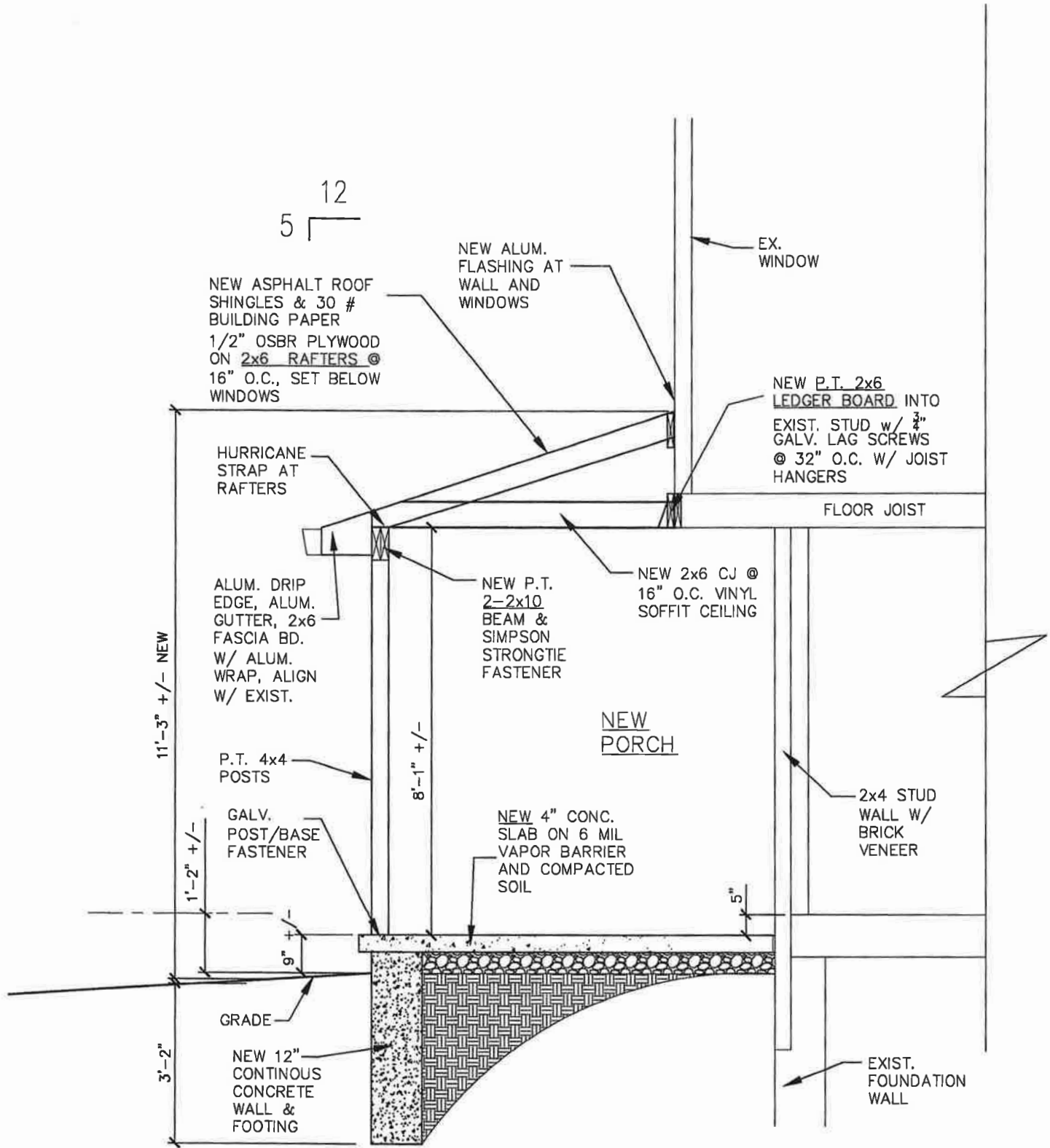
BRIAN MOELLER  
 941 CREST RD.  
 LANSDALE, PA



NEW FOOTING PLAN

SCALE: 1/4" = 1'-0"

BRIAN MOELLER  
944 CREST RD.  
LANSDALE, PA



# NEW WALL SECTION

SCALE: 3/8" = 1'-0"

BRIAN MOELLER  
944 CREST RD.  
LANSDALE, PA

**ZONING HEARING BOARD**  
 UPPER GWYNEDD TOWNSHIP  
 MONTGOMERY COUNTY, PENNSYLVANIA  
 Zoning Ordinance of November 23, 1987 as Amended

Check One Date: 2/10/2023  
 APPLICATION FOR VARIANCE(S)  
 APPLICATION FOR SPECIAL EXCEPTION(S)  
 APPEAL FROM ZONING OFFICER'S  
 DECISION/DETERMINATION(S)

PROPERTY ADDRESS/  
 LOCATION 869 Twinlyn Drive LOT SIZE 17,949 ZONING DISTRICT R-2

Check One (Applicant)  
 Owner  
 Equitable Owner (under Agreement of Sale)  
 Lessor  
 Lessee

**RECEIVED**  
 FEB 21 2023  
 BY: ZHB#  
 23-05

Applicant's Name: Daniel & Angela Ginion  
 Address: 869 Twinlyn Dr. Lansdale, PA 19446  
 Telephone: \_\_\_\_\_

Check One  
 Date Ownership Secured \_\_\_\_\_  
 Date of Agreement of Sale \_\_\_\_\_  
 Date of Lease \_\_\_\_\_

Contractor's or  
 Agent's Name t.b.d.

Public Water Yes  No \_\_\_\_\_  
 Public Sewer Yes  No \_\_\_\_\_

Address \_\_\_\_\_

Give full information as to Section of Zoning Ordinance involved and reasons why the Variance(s), Special Exception(s) or Appeal is desired and why it should be granted.

We are seeking relief from section 195-12(B)5 with respect to the rear yard setback. We are requesting a rear yard setback of 39'-8" when a setback of 50' is required. The existing lot size is less than is currently required by the ordinance and is irregularly shaped. Due to the configuration of existing house, garage and driveway; the location of the addition is limited to where it is being proposed. Similar additions exist on the same street and throughout the neighborhood.

Owner's signature, if Applicant is not Owner, agreeing to this Application

Applicant's Signature   
 Please Print Name: Daniel Ginion

Attorney's Name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Telephone: \_\_\_\_\_

Record of Secretary - Zoning Hearing Board

Application No. \_\_\_\_\_ Hearing Date(s) \_\_\_\_\_ Decision Date \_\_\_\_\_

VARIANCE(S)	Granted _____	Denied _____
SPECIAL EXCEPTION(S)	Granted _____	Denied _____
APPEAL	Granted _____	Denied _____

RESTRICTIONS/CONDITIONS (if any)

- ( ) Zoning Officer
- ( ) Zoning Hearing Board
- ( ) Board of Commissioners
- ( ) Zoning Solicitor

Signature of Secretary \_\_\_\_\_

**LEGEND**

- EXISTING DECIDUOUS TREE
- EXISTING EVERGREEN TREE
- EXISTING UTILITY POLE
- EXISTING WALKWAY
- EXISTING WATER SHUTOFF
- EXISTING MAJOR CONTOUR LINE
- EXISTING MINOR CONTOUR LINE
- EXISTING ADJACENT OWNER
- EXISTING PROPERTY LINE
- EXISTING RIGHT-OF-WAY LINE
- EXISTING FENCE
- EXISTING FURNACE
- EXISTING SEWER LINE
- BUILDING SETBACK LINE



THE UNDERGROUND UTILITY LINE PROTECTION LAW  
(ACT 287 OF 1974 AS AMENDED BY ACT 187 OF 1996)  
1-800-242-1776  
SITE SERIAL NO. 20230171053  
DATE: 1-17-2023

ATTENTION ALL CONTRACTORS: LOCATIONS OF EXISTING UTILITIES SHOWN HEREON HAVE BEEN DEVELOPED FROM THE UTILITY COMPANY RECORDS AND OR ABOVE GROUND INSPECTION OF SITE. COMPLETENESS OR ACCURACY OF TYPE, SIZE, DEPTH OR HORIZONTAL LOCATION OF UNDERGROUND UTILITIES OR STRUCTURES CANNOT BE GUARANTEED. PURSUANT TO REQUIREMENTS OF PENNSYLVANIA LEGISLATIVE ACT 287 OF 1974 AS AMENDED BY ACT 187 OF 1996, CONTRACTORS MUST VERIFY LOCATIONS OF UNDERGROUND UTILITIES BY NOTIFYING FACILITY OWNERS THROUGH THE ONE CALL SYSTEM, 1-800-242-1776, NO LESS THAN 3 NOR MORE THAN 10 DAYS PRIOR TO EXCAVATION OR DEMOLITION WORK.

SEAN M. & CHRISTINE A. FLANNERY  
PARID 56-00-08930-04-1

RONALD M. & ROBERTA I. LONG  
PARID 56-00-02502-13-3

RANDY G. & CHRISTINA M. LITMAN  
PARID 56-00-02502-14-2

S49°34'56"E

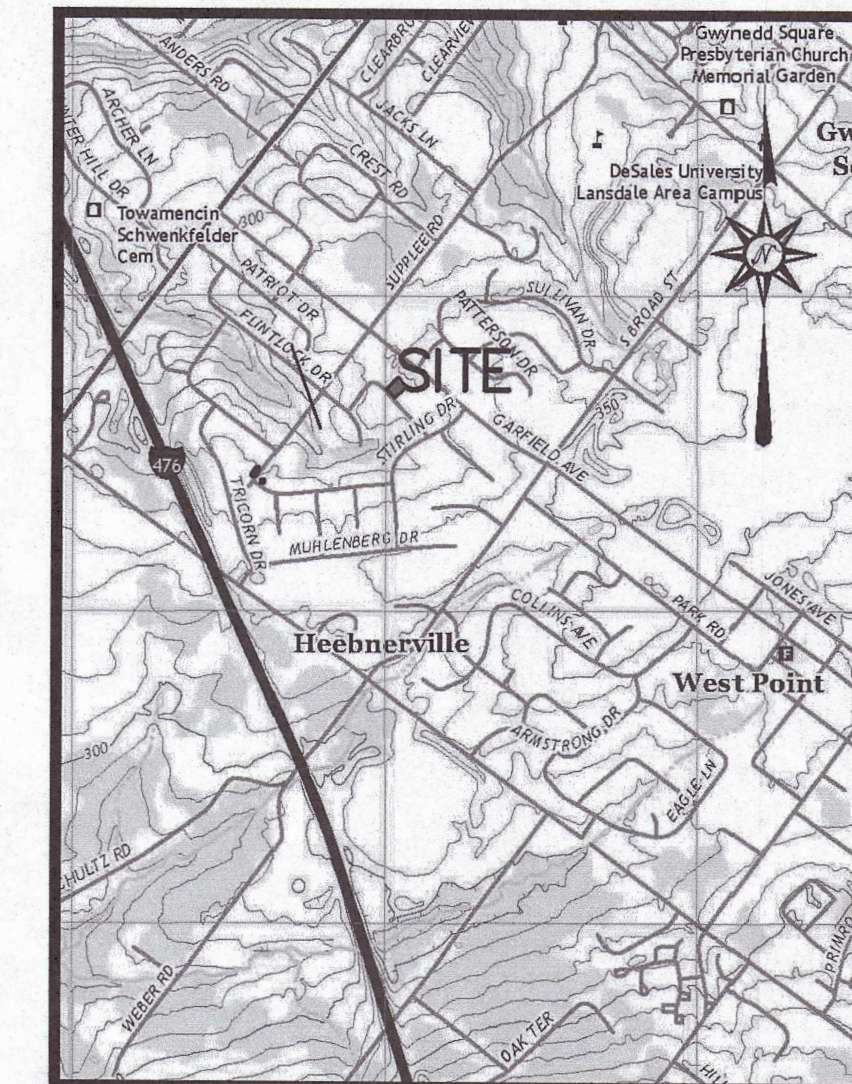
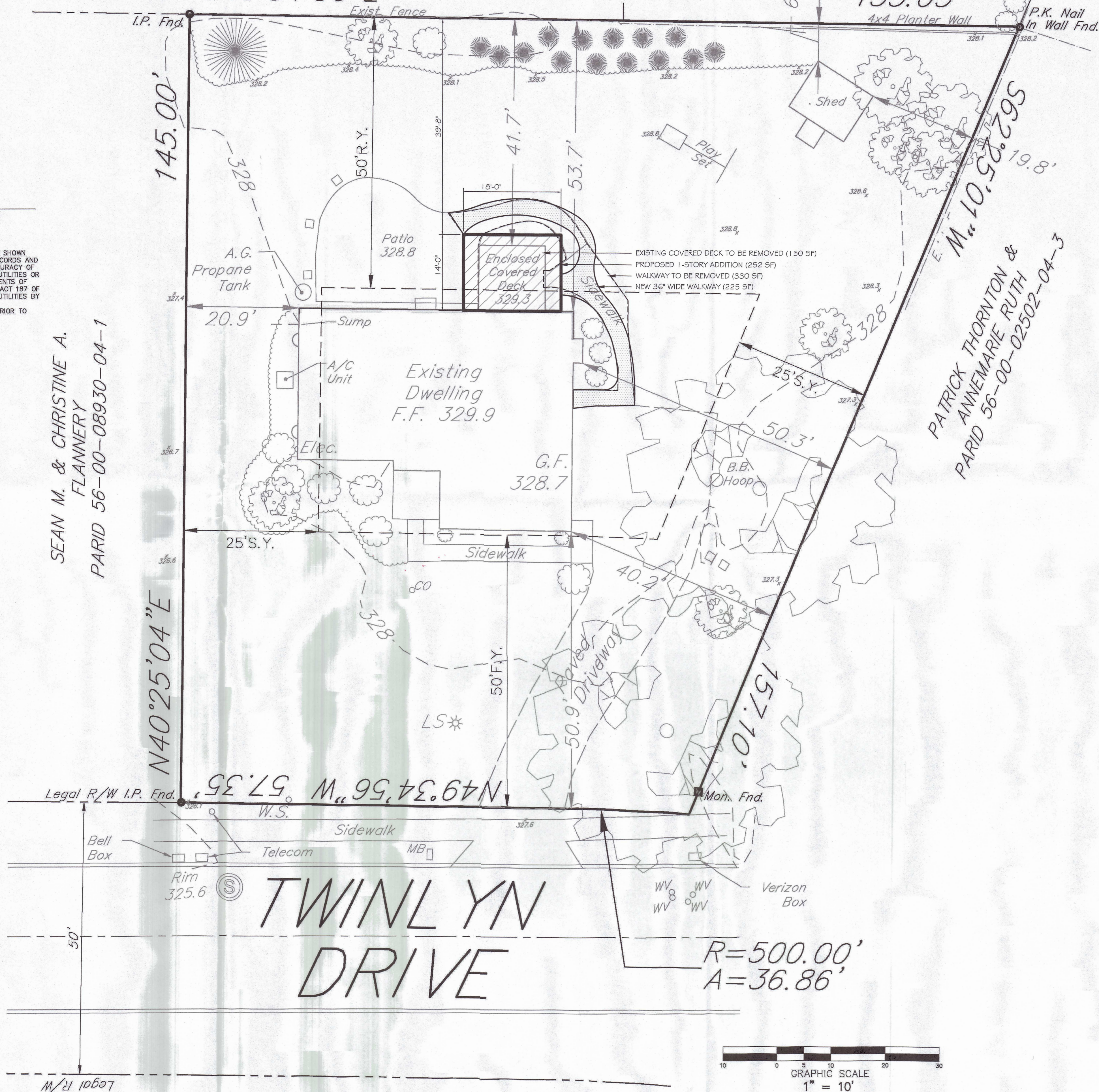
153.05'

145.00'

N40°25'04"E

N49°34'56"W 57.35'

M. 10.58.795  
PATRICK THORNTON & ANNEMARIE RUTH  
PARID 56-00-02502-04-3



**SITE LOCATION MAP**  
1" = 2000'

**TAX PARCEL INFORMATION**

SUBJECT TRACT MAY BE IDENTIFIED BY MONTGOMERY COUNTY TAX INFORMATION AS FOLLOWS:  
UPPER GWYNEDO TOWNSHIP  
RECORDED DEED DATA IS AS FOLLOWS:  
AS RECORDED IN THE OFFICE FOR THE RECORDING OF DEEDS, ETC., IN AND FOR THE COUNTY OF MONTGOMERY AT NORRISTOWN PENNSYLVANIA  
PARCEL ID: 56-00-08930-05-3 DEED BK/PG: 0066/02118 RECORD OWNER: DANIEL WILLIAM GINION, JR. & ANGELA DEWINE 869 TWINLYN DRIVE LANSDALE, PA. 19448 TRACT AREA: 17,949 S.F. (87.5 ACRES)

**ZONING DATA**

OBTAINED FROM THE UPPER GWYNEDO TOWNSHIP ZONING ORDINANCE

DISTRICT CLASSIFICATION: "R-2" - RESIDENTIAL DISTRICT

SINGLE-FAMILY DETACHED

REQUIREMENT	REQUIRED	EXISTING	PROPOSED
MINIMUM LOT AREA:	21,780 S.F.	17,949 S.F.	17,949 S.F.
MINIMUM LOT WIDTH @ BUILDING LINE:	120 FT.	113.94 FT.	113.94 FT.
FRONT YARD RESTRICTION:	50 FT.	30.9 FT.	50.9 FT.
SIDE YARD RESTRICTION (EACH):	25 FT.	28.9 FT.	30.9 FT.
REAR YARD RESTRICTION:	50 FT.	33.7 FT.	53.7 FT.
MAXIMUM BUILDING COVERAGE: (DWELLING, COVERED DECK, SHED)	20%	11.30%	---

ACCESSORY USE SETBACKS

BUILDINGS:	MINIMUM SIDE YARD	MINIMUM REAR YARD
	6 FT.	6 FT.
	19.8 FT.	19.8 FT.
	6 FT.	6 FT.

**IMPERVIOUS CALCULATIONS**

	EXISTING (SF)	PROPOSED (SF)
DWELLING	1,746	1,746
DRIVEWAY	1,419	1,419
FRONT WALK & PORCH	212	212
REAR WALK & PATIO	859	859
COVERED DECK	146	146
SHED W/RAMP	136	136
MISC. PADS	11	11
PROPOSED		
TOTAL IMPERVIOUS	4,529	4,529

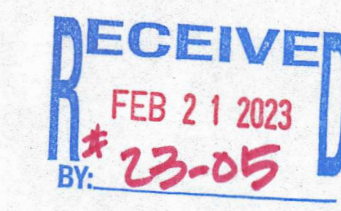
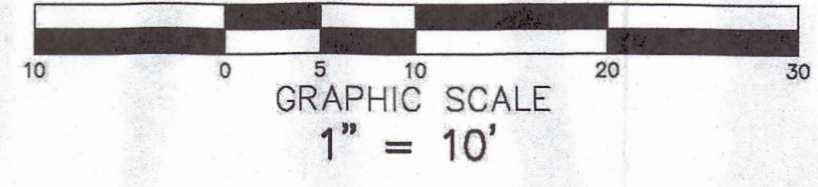
IMPERVIOUS COVERAGE TO BE DEMOLISHED: 480 SF  
NEW IMPERVIOUS COVERAGE: 477 SF  
NET NEW IMPERVIOUS COVERAGE: (-)3 SF

**GENERAL NOTES**

- BOUNDARY TAKEN FROM EXISTING DEEDS.
- REFERENCE PLANS: SECTION VIA, PLAN OF SUBDIVISION PREPARED FOR JOSEPH R. CORPORATION, SUGAR VALLEY, PREPARED BY HERBERT H. METZ, INC., DATED 5/13/1977 AND RECORDED IN PLAN BOOK B-33, PAGE 45.
- BEARINGS SHOWN HEREON BASED ON CURRENT DEED/PLAN OF RECORD, VERTICAL DATUM BASED ON NAVD83.
- TOPOGRAPHY BASED ON A SURVEY PERFORMED BY BRIAN K. PATTERSON, PLS ON JANUARY 20, 2023.
- PROPERTY IS SERVICED BY PUBLIC WATER AND SEWER.

**SOILS DATA**

Use# - URBAN LAND-UDORTMENTS, SHALE AND SANDSTONE COMPLEX, 0 TO 8 PERCENT SLOPES



DRAWN BY: BKP	CHECKED BY: BKP	PROJECT NO: GINION	DATE: 01/23/2023	DRAWING NUMBER: D-01	REVISIONS
EXISTING FEATURES PLAN 869 TWINLYN DRIVE					PREPARED BY: BUX-MONT SURVEYING SERVICES, LLC. BRIAN K. PATTERSON, P.L.S. 436 CAMPUS DRIVE PERKASIE, PA 18944
56-00-08930-05-9 UPPER GWYNEDO TOWNSHIP MONTGOMERY COUNTY, PENNSYLVANIA					



**SYMBOLS**

- RECEPTACLE 110V
- RECEPTACLE 110V W/ GROUND FAULT CIRCUIT INTERRUPTER
- RECEPTACLE 110V W/ USB CHARGING PORT
- RECEPTACLE 220V
- QUAD RECEPTACLE 110V
- RECEPTACLE 110V - FLOOR MOUNTED
- JUNCTION BOX
- SWITCH
- 3-WAY SWITCH
- 4-WAY SWITCH
- OCCUPANCY SENSOR SWITCH
- ELECTRIC PANEL
- ELECTRIC METER
- TELEPHONE
- TELE / DATA
- DATA
- CABLE TELEVISION
- THERMOSTAT
- SMOKE DETECTOR
- CARBON MONOXIDE DETECTOR
- CARBON DIOXIDE DETECTOR
- HEAT DETECTOR
- EXIT SIGN - CEILING MOUNTED
- EXIT SIGN W/ EMERGENCY LIGHT
- EXIT SIGN - LOW MOUNTED
- FIRE EXTINGUISHER
- PULL STATION
- HORN & STROBE
- STROBE
- BELL
- SPEAKER
- SPRINKLER HEAD
- EMERGENCY LIGHT W/ BATTERY BACK-UP
- REMOTE HEAD
- TWO-HEAD REMOTE FIXTURE
- RECESSED CEILING FIXTURE
- RECESSED CEILING FIXTURE W/ EMERGENCY BALLAST
- CEILING MOUNTED FIXTURE
- WALL MOUNTED FIXTURE
- WALL MOUNTED FIXTURE W/ EMERGENCY BALLAST
- 2x2 FLUORESCENT
- 2x2 FLUORESCENT W/ EMERGENCY BALLAST
- 2x4 FLUORESCENT
- 2x4 FLUORESCENT W/ EMERGENCY BALLAST
- 1x FLUORESCENT (SEE REFLECTED CEILING PLAN FOR LENGTH)
- TRACK LIGHT
- FLOOR DRAIN
- TRENCH DRAIN
- FLOOR SINK
- EXHAUST FAN
- SUPPLY DIFFUSER
- RETURN GRILLE
- CEILING FAN
- (1) HR PARTITION
- (2) HR PARTITION

**EXISTING CONDITIONS NOTES:**

1. CONTRACTOR SHALL VERIFY FOR ARCHITECT'S REVIEW THE DEPTH & SIZE OF EXISTING FOUNDATIONS, BEARING WALLS, BEAMS, HEADERS OR OTHER STRUCTURAL MEMBERS PRIOR TO ALTERATION AND/OR MODIFICATION.

**FOUNDATION NOTES:**

1. FILL CMU CORES SOLID AT REINFORCING.
2. SILL ANCHORS MUST BE IN SAME BLOCK AS VERT. REIN. BARS & NOT IN SAME CORE.
3. WOOD FRAMING SHALL NOT BE IN DIRECT CONTACT W/ SLAB-ON-GRADE CONCRETE OR MASONRY SUBJECT TO MOISTURE. WOOD FRAMING IN CONTACT W/ CONCRETE OR MASONRY MUST BE PRESSURE TREATED.
4. ALL METAL HANGERS, PLATES, FASTENERS ETC. IN CONTACT W/ MASONRY, CONC. OR PRESSURE TREATED LUMBER MUST BE MIN. HOT DIP GALVANIZED.
5. CONCRETE FOOTING MUST BE 3,500 PSI MIN. CONCRETE SLABS SHALL BE 3,000 PSI MIN.
6. ALSO REFER TO GENERAL NOTES.

**GENERAL NOTES:**

1. ALL FRAMING TO BE MINIMUM SPF #2 OR BETTER UNLESS NOTED OTHERWISE.
2. FINISH MATERIALS, COLORS & FIXTURES SHALL BE SELECTED BY OWNER. CONTRACTOR SHALL VERIFY ALL SELECTIONS W/ OWNER PRIOR TO INSTALLATION.
3. MASONRY CHIMNEY MUST COMPLY W/ ALL APPLICABLE SECTIONS OF CHAPTER 10 OF THE INTERNATIONAL RESIDENTIAL CODE.
4. ADDITIONAL ELECTRICAL & HVAC DESIGN, CALCULATIONS & DOCUMENTS REQUIRED BY THE MUNICIPALITY FOR PERMITS SHALL BE SUPPLIED BY THE SELECTED, LICENSED & REGISTERED CONTRACTOR AND/OR SUBCONTRACTOR.
5. ALL NEW WINDOWS, DOORS, CASING, TRIM, SILLS, BASEBOARD ETC. SHALL MATCH EXISTING UNLESS OTHERWISE SPECIFIED.
6. ALL WINDOWS, DOORS, FIXTURES & MATERIALS MUST BE INSTALLED PER THE MANUFACTURER'S INSTRUCTIONS.
7. ALL NEW WINDOWS MUST BE MIN. DOUBLE PANE, LOW-E, INSULATED, U-FACTOR 0.32 MIN. SIZES PROVIDED IN FEET & INCHES UNLESS NOTED OTHERWISE (EX. 3050 = 3'-0" W X 5'-0" H) OFFERABLE WINDOWS W/ A SILL HEIGHT LOWER THAN 24" A.F.F. & GREATER THAN 72" ABOVE EXTERIOR GRADE OR SURFACE BELOW SHALL HAVE WINDOW OPENING CONTROL DEVICE HARDWARE IN ACCORDANCE W/ IRC SECTION 312. AFTER OPERATING TO RELEASE THE CONTROL DEVICE, SUCH HARDWARE SHALL PERMIT OPENING OF EGRESS WINDOWS USED FOR EMERGENCY ESCAPE & RESCUE OPENINGS & SHALL NOT REDUCE THE NET OPENING AS REQUIRED BY IRC SECTION 310.
9. ALL MANUFACTURER'S & CONTRACTOR'S GUARANTEES AND/OR WARRANTIES MUST BE SUPPLIED TO THE OWNER AT TIME OF SUBSTANTIAL COMPLETION.

**MECHANICAL NOTES:**

1. NEW AND/OR REPLACEMENT, MODIFICATION, ETC. OF EXISTING MECHANICAL SYSTEM SHALL BE DESIGNED & INSTALLED BY QUALIFIED LICENSED CONTRACTOR & SUBMITTED TO THE AUTHORITY HAVING JURISDICTION FOR REVIEW AS REQUIRED PRIOR TO INSTALLATION.

**PLUMBING NOTES:**

1. ALL PLUMBING SYSTEMS, EQUIPMENT, FIXTURES, DEVICES, MATERIALS, ETC. MUST BE IN ACCORDANCE W/ ALL CURRENT & APPLICABLE BUILDING & PLUMBING CODES, & SHALL BE DESIGNED BY QUALIFIED LICENSED PROFESSIONAL. DESIGN DOCUMENTS MUST BE SUBMITTED TO THE AUTHORITY HAVING JURISDICTION FOR REVIEW AS REQUIRED PRIOR TO INSTALLATION.

**ELECTRICAL NOTES:**

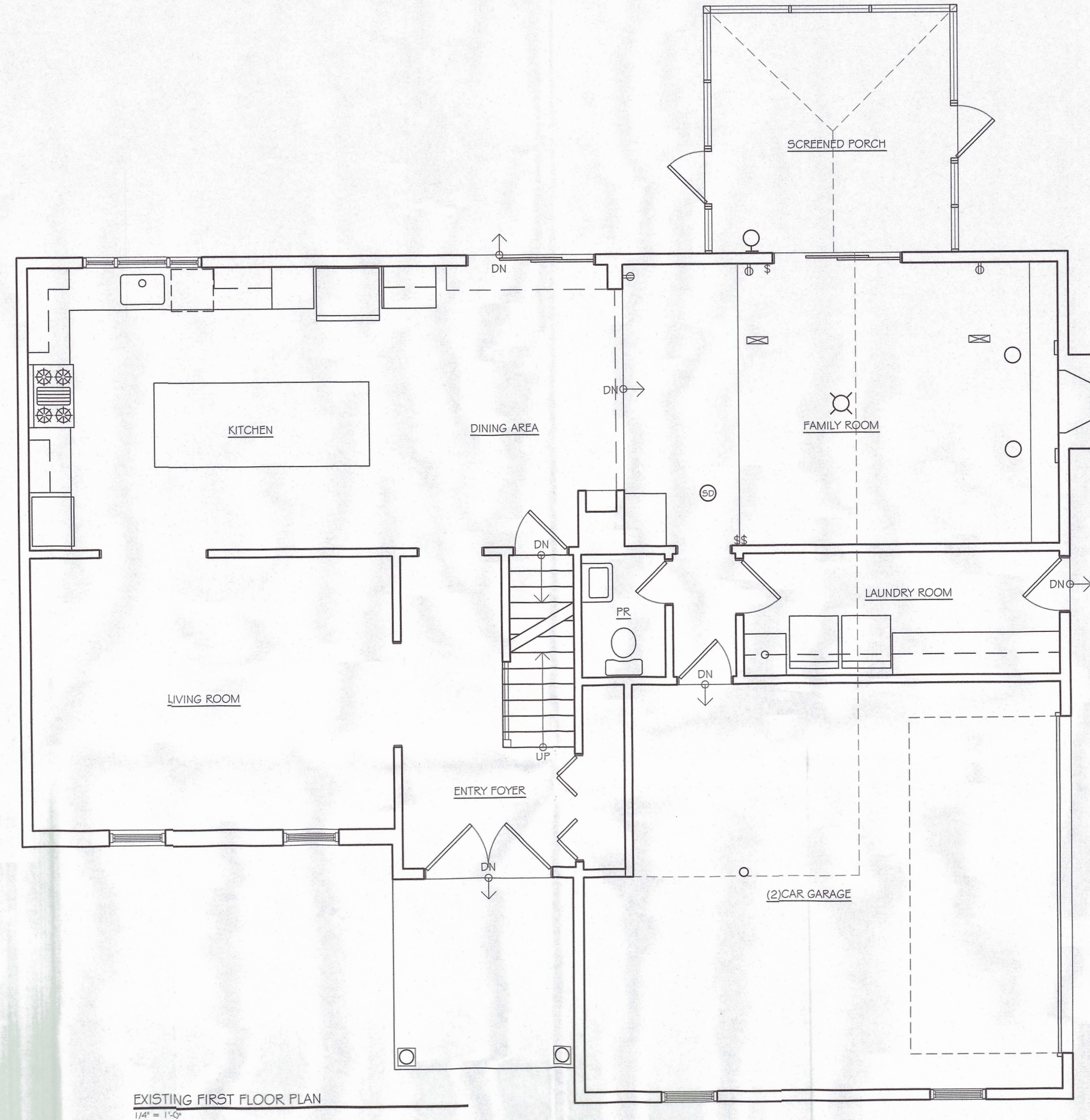
1. ALL RECEPTACLES IN KITCHENS, BATHS, BASEMENTS, AND EXTERIOR MUST BE ON GFCI PROTECTION.
2. ALL BEDROOMS, LIVING AREAS, AND SMOKE DETECTORS MUST BE ON ARC FAULT BREAKERS.
3. ALL WORK MUST BE IN COMPLIANCE WITH LATEST NATIONAL ELECTRIC CODE.
4. ALL WORK MUST BE IN COMPLIANCE WITH LATEST ELECTRIC COMPANY REQUIREMENTS.
5. MOUNT RECEPTACLES AT 18" UNLESS NOTED OTHERWISE.
6. MOUNT SWITCHES AT 48" UNLESS NOTED OTHERWISE.
7. CONFIRM AND PROVIDE ELECTRICAL SERVICES FOR ALL EQUIPMENT.
8. PROVIDE & INSTALL HARD WIRED-SMOKE/HEAT DETECTORS IN EACH BEDROOM & ONE EACH FLOOR, INTERCONNECTED AS REQUIRED BY CODE.
9. ALL WIRE MUST BE COPPER UNLESS OTHERWISE NOTED.
10. SE CABLE MAY BE USED FOR INTERIOR LOCATIONS BUT SHALL NOT BE EXPOSED.
11. PROVIDE TWO POLE DISCONNECT WITH MINIMUM AMPERE RATING EQUAL TO CIRCUIT BREAKER SIZE.
12. OUTDOOR EQUIPMENT SHALL HAVE NEMA 3R ENCLOSURE.
13. NO MORE THAN EIGHT DUPLEX RECEPTACLES SHALL BE CONNECTED TO ANY CIRCUIT.
14. ALL RECESSED LIGHT FIXTURES IN CONTACT WITH INSULATION MUST BE IC RATED.

**GENERAL DEMOLITION NOTES:**

1. CONTRACTOR SHALL VERIFY LOCATIONS OF ALL UNDERGROUND & OVERHEAD UTILITIES TO SAFEGUARD AGAINST INTERRUPTION OF SERVICES TO THE BUILDING AND/OR OTHER TENANTS.
2. THE EXISTING EMERGENCY LIGHTING, FIRE DETECTION / ALARM & AUTOMATIC SPRINKLER SYSTEM SHALL BE MAINTAINED IN PROPER WORKING ORDER DURING ALL DEMOLITION & CONSTRUCTION IN ACCORDANCE W/ ALL APPLICABLE CODES.
3. REMOVE ONLY NON-LOAD BEARING PARTITIONS & CONSTRUCTION. CONTRACTOR SHALL VERIFY PRIOR TO REMOVAL THAT NO STRUCTURAL ELEMENTS, WALLS, BEAMS, HEADERS, ETC. ARE DESIGNATED FOR DEMOLITION.
4. CONTRACTOR SHALL CONTACT THE ARCHITECT PRIOR TO REMOVAL OF ANY CONSTRUCTION IN QUESTION OR DEVIATION FROM THE PLANS.
5. CONTRACTOR SHALL FIELD VERIFY EXISTING CONDITIONS & NOTIFY THE ARCHITECT OF ANY DISCREPANCIES TO THE PLANS.
6. REMOVE ALL ABANDONED WIRING, PIPING, DUCTS & OTHER MECHANICAL, ELECTRICAL & PLUMBING ELEMENTS BACK TO SOURCE TO EXTENT POSSIBLE & CAPPED / TERMINATE IN ACCORDANCE TO THE CODE.
7. OWNER HAS FIRST RIGHT OF REFUSAL OF ALL SALVAGEABLE ITEMS.
8. DEMOLITION CONTRACTOR SHALL NOT USE ANY METHODS THAT WILL DAMAGE CONSTRUCTION TO REMAIN IN PLACE.
9. SAW-CUT ALL CONCRETE SLAB FLOORS TO BE REMOVED. CONTRACTOR SHALL COORDINATE W/ PLUMBING PLANS FOR ALL NEW UNDERGROUND PLUMBING PIPING.
10. ALL DEMOLISHED MATERIALS SHALL BE PROPERLY REMOVED FROM SITE.
11. HAZARDOUS MATERIALS INCLUDING LEAD PAINT & ASBESTOS SHALL BE REMOVED BY LICENSED / CERTIFIED CONTRACTORS.

**CONSTRUCTION CODES:**  
INTERNATIONAL RESIDENTIAL CODE 2018

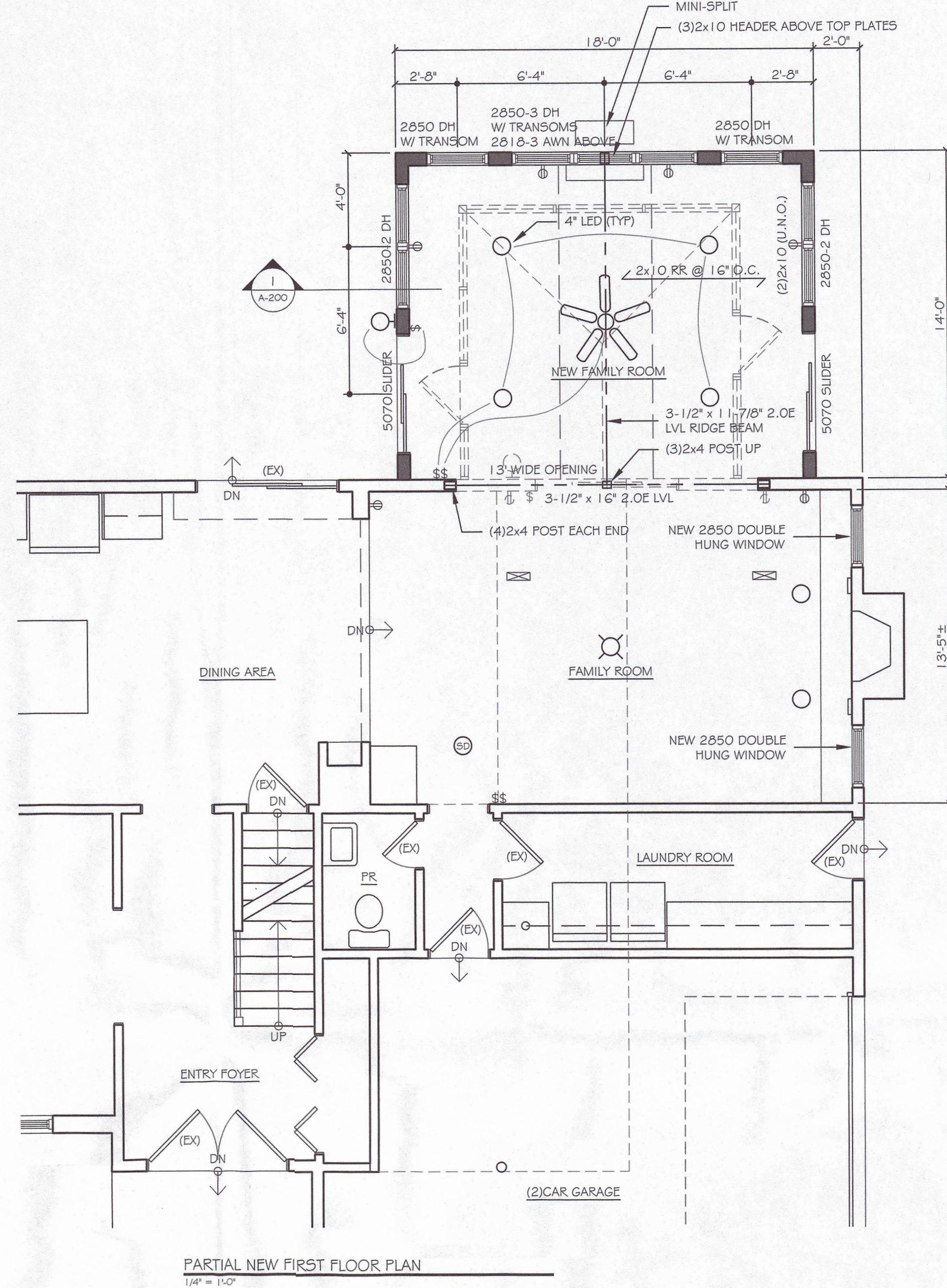
**DESIGN LOADS:**  
DEAD (FLOOR): 20 PSF  
LIVE (FLOOR): 40 PSF @ LIVING AREAS, 30 PSF @ SLEEPING AREAS  
DEAD (ROOF): 15 PSF  
SNOW (ROOF): 30 PSF  
WIND: 115 MPH (3 SECOND GUST)



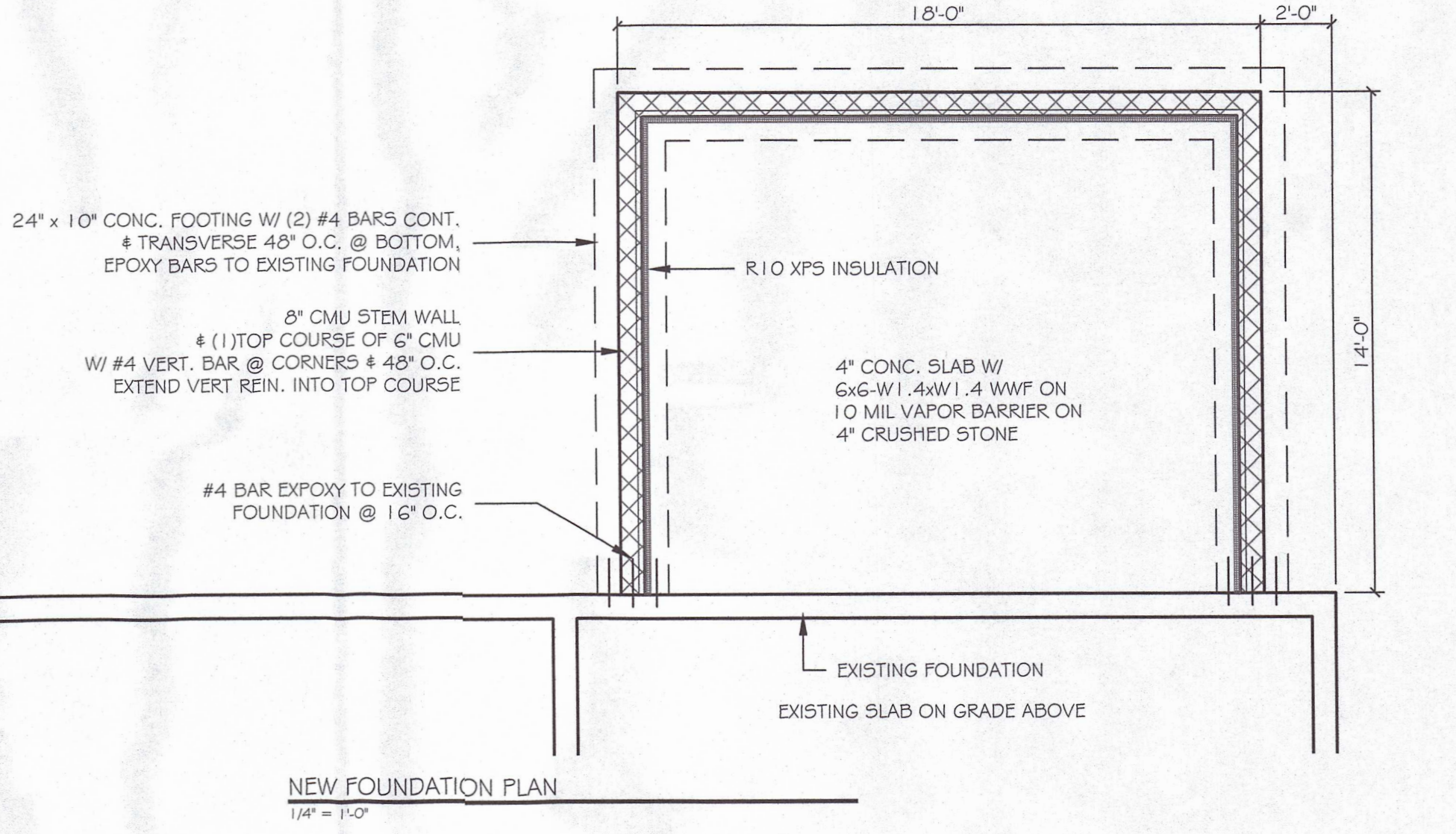
EXISTING FIRST FLOOR PLAN  
1/4" = 1'-0"



EXISTING CONDITIONS PHOTOGRAPHS  
NOT TO SCALE



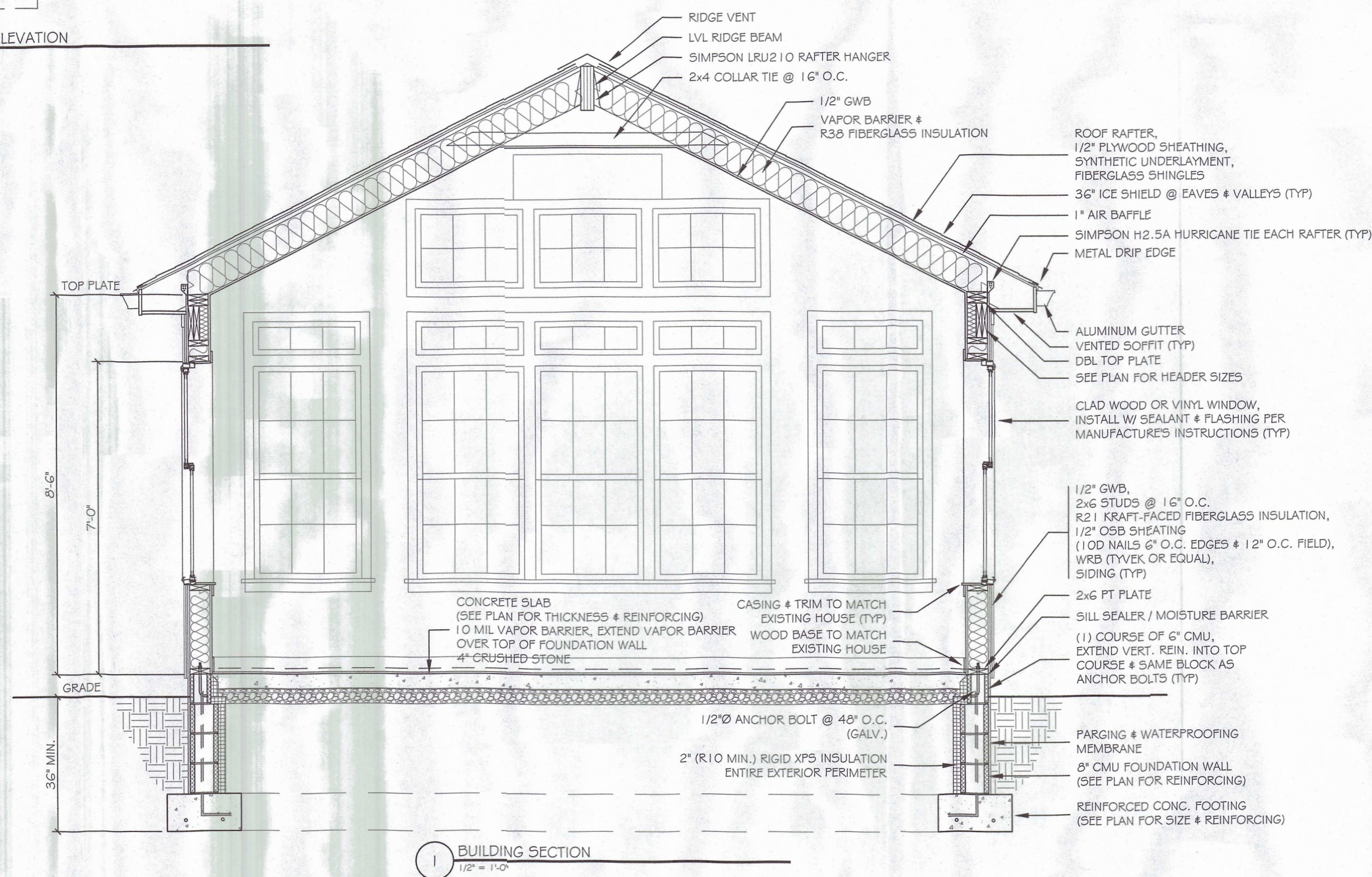
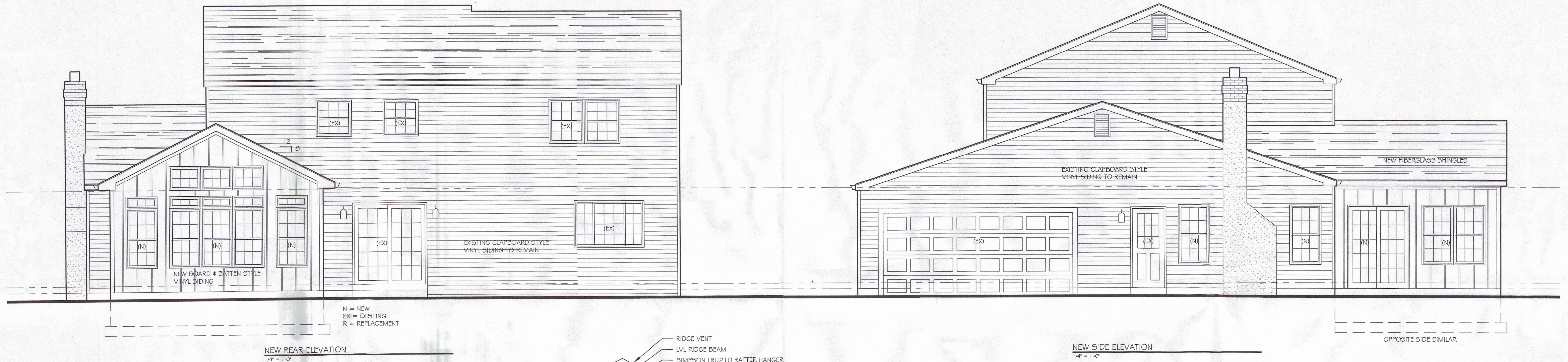
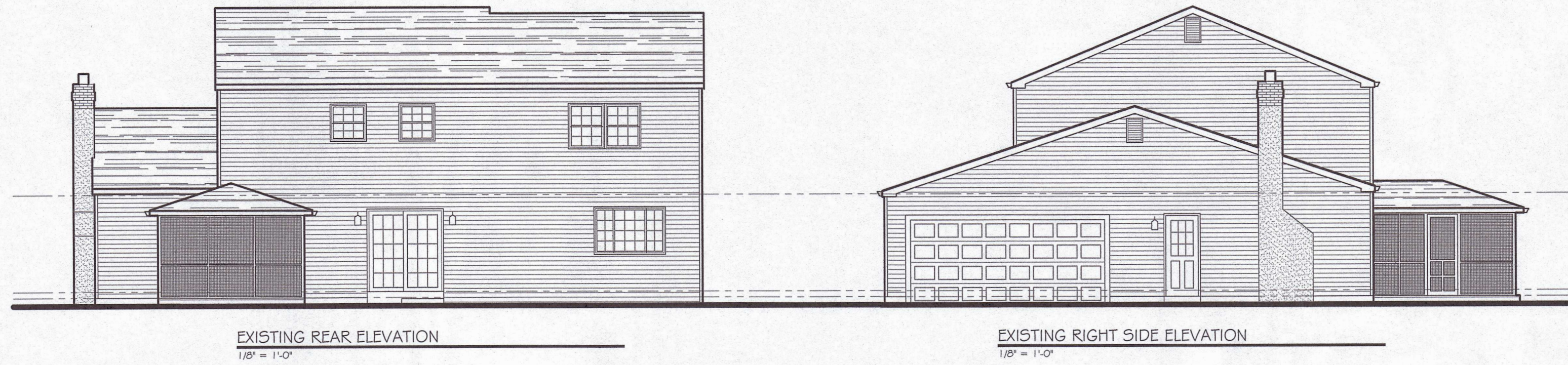
PARTIAL NEW FIRST FLOOR PLAN  
1/4" = 1'-0"



NEW FOUNDATION PLAN  
1/4" = 1'-0"

ZONING HEARING BOARD REVIEW - NOT FOR CONSTRUCTION: 02/13/2023

GINION RESIDENCE FAMILY / SUNROOM ADDITION		869 TWINLYN ROAD LANSDALE, PA 19446 UPPER GWYNEDD TOWNSHIP
project no.	47422	
<b>Michael J. Panachyda</b> Architect LLC		527 W. Mt. Vernon Lansdale, PA 19380 p: 267-467- www.mjp-architect
SYMBOLS & NOTES, FLOOR PLANS		
drawing:	00100/2023	sheet: A-100



ZONING HEARING BOARD REVIEW - NOT FOR CONSTRUCTION: 02/13/2023

GINION RESIDENCE FAMILY / SUNROOM ADDITION		869 TWINLYN ROAD LANSDALE, PA 19446 UPPER GWYNEDD TOWNSHIP	
project no. 47422		527 W. Mt. Vernon St Lansdale, PA 19444 p: 267-467-255 www.mjp-architect.com	
Michael J. Panachyda Architect LLC		ELEVATIONS & BUILDING SECTION	
drawing:		date: 00/00/2023	
		sheet: A-200	



**ATTACHMENT A**

IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA

NORTH PENN AUTO SERVICE LLC

vs.

PROVCO PINEGOOD LANSDALE LLC

NO. 2023-00697

**NOTICE TO DEFEND - CIVIL**

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

LAWYER REFERENCE SERVICE  
MONTGOMERY BAR ASSOCIATION  
100 West Airy Street (REAR)  
NORRISTOWN, PA 19404-0268

(610) 279-9660, EXTENSION 201

PRIF0034  
R 10/11

IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA

NORTH PENN AUTO SERVICE LLC

vs.

PROVCO PINEGOOD LANSDALE LLC

NO. 2023-00697

**CIVIL COVER SHEET**

State Rule 205.5 requires this form be attached to any document commencing an action in the Montgomery County Court of Common Pleas. The information provided herein is used solely as an aid in tracking cases in the court system. This form does not supplement or replace the filing and service of pleadings or other papers as required by law or rules of court.

Name of Plaintiff/Appellant's Attorney: DAVID J BROOMAN, Esq., ID: 36571

Self-Represented (Pro Se) Litigant

**Class Action Suit**  Yes  No

**MDJ Appeal**  Yes  No

**Money Damages Requested**

**Commencement of Action:**

**Amount in Controversy:**

Complaint

**Case Type and Code**

Real Property:

Quiet Title

**Other:** \_\_\_\_\_

HIGH SWARTZ LLP  
By: David J. Brooman, Esquire  
Richard C. Sokorai, Esquire  
Michael A. Luongo, Esquire  
Attorney I.D. Nos. 36571/80708/311064  
40 East Airy Street  
Norristown, PA 19404  
P:(610) 275-0700/F:(610) 275-3093  
[dbrooman@highswartz.com](mailto:dbrooman@highswartz.com)  
[rsokorai@highswartz.com](mailto:rsokorai@highswartz.com)  
[mluongo@highswartz.com](mailto:mluongo@highswartz.com)

*Attorneys for Plaintiff*

IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA  
CIVIL ACTION - EQUITY

NORTH PENN AUTO SERVICE, LLC	:	
1605 South Valley Forge Road	:	
Lansdale, PA 19446	:	No. 2023-
	:	
v.	:	
	:	
PROVCO Pinegood Lansdale, LLC	:	
795 East Lancaster Avenue	:	
Villanova, PA 19085	:	

COMPLAINT FOR DECLARATORY JUDGMENT

Plaintiff, North Penn Auto Service, LLC, through its counsel, High Swartz LLP, submits the following Complaint against Defendant, PROVCO Pinegood Lansdale, LLC, and in support thereof avers as follows:

The Parties

1. Plaintiff, North Penn Auto Service, LLC. (“North Penn”), is a Pennsylvania limited liability company with a principal address located at 1605 South Valley Forge Road, Lansdale, Montgomery County, PA 19446 (the “North Penn Property”).
2. Defendant, PROVCO Pinegood Lansdale, LLC. (“Provco”), is a Pennsylvania limited liability company with a registered address of 795 East Lancaster Avenue, Villanova, Delaware County, PA 19085.

### Relevant Property History

3. Plaintiff owns the North Penn Property, parcel identification number 56-00-08608-00-3, which consists of approximately 30,500 square feet.

4. Defendant owns the property adjacent to the North Penn Property, which is located at 1601 South Valley Forge Road, Lansdale, Montgomery County, PA 19446, parcel identification number 56-00-08605-00-6 which consists of approximately 3.86 acres (the "Provco Property").

5. This matter involves a portion of land located along the common property line between the North Penn Property and the Provco Property, at the rear of the North Penn Property.

6. The relevant chain of title of the North Penn Property is as follows:

a. Plaintiff purchased the North Penn Property in 2003 from Cumberland Farms Inc. by virtue of deed on July 23, 2003 and recorded in the Office of the Recorder of Deeds of Montgomery County, Pennsylvania at Deed Book 5313, page 823, a true and correct copy of which is attached hereto as Exhibit "A."

b. Prior to purchasing, Plaintiff was a lessee of the North Penn Property since 1981, operating its auto repair business and gas station (the "Auto Repair Shop").

7. The relevant chain of title of the Provco Property is as follows:

a. Provco purchased the Provco Property in 2018 from Wawa, Inc., ("Wawa") by virtue of a deed on February 1, 2018 and recorded in the Office of the Recorder of Deeds of Montgomery County, Pennsylvania on February 7, 2018, at Deed Book 6079, page 1293, a true and correct copy of which is attached hereto as Exhibit "B."



b. Wawa purchased the Provco Property in 2000 from Gum William A Inc., by virtue of a deed on March 6, 2000, recorded in the Office of the Recorder of Deeds of Montgomery County, Pennsylvania on March 22, 2000, at Deed Book 5311, page 430, a true and correct copy of which is attached hereto as Exhibit "C."

c. Gum William A Inc. purchased the Provco Property in 2000 from Upper Hanover Township Industrial Development Authority, by virtue of a deed on February 4, 2000, recorded in the Office of the Recorder of Deeds of Montgomery County, Pennsylvania on March 22, 2000, at Deed Book 5311, page 425, a true and correct copy of which is attached hereto as Exhibit "D."

d. Upper Hanover Township Industrial Development Authority has owned the Provco Property since 1972 as the original owner.

8. Plaintiff has continuously operated the Auto Repair Shop on the North Penn Property since 1981, first as a lessee, and then as the owner of the North Penn Property.

**Plaintiff's Use and Control of a Portion of the Provco Property**

9. In the course of the operation of the Auto Repair Shop, since 1981, and as an integral party of the Auto Repair Shop, Plaintiff has continuously and exclusively used and controlled a portion of the Provco Property as depicted on the Photograph attached as Exhibit "E" (the "Easement Property"), consisting of approximately 7200 square feet, both parking lot surface and grass surface for the purpose of parking no less than 20 vehicles, including customer vehicles and employee vehicles.

10. Plaintiff's aforementioned control and use of the Easement Property has been for more than twenty-one (21) years and without permission of the owners of the Easement Property

and Plaintiff has been in open, notorious, uninterrupted, exclusive, hostile, adverse and actual possession under a claim of right to the Easement Property.

11. Plaintiff did not have permission or consent to use the Easement Property during the entire course of its use and control of the Easement Property.

12. Defendant has submitted an application for special exception approval to the Upper Gwynedd Zoning Hearing Board, indicating that Defendant maintains that it has exclusive possession and control of the Easement Property and demonstrating its intent to develop the Property for convenience store and gas station purposes, which includes using the Easement Property for required parking and traffic flow.

13. Further, Defendant has notified Plaintiff that Plaintiff must vacate the Easement Property.

14. Plaintiff's use of the North Penn Property and Easement Property has remained the same since the inception of the North Penn Auto Service as a gas and service station, long before Defendant purchased the Provco Property.

15. Plaintiff has maintained and continues to maintain the Easement Property by periodically clearing and removing ice and snow from the parking lot portion, and maintaining, fertilizing and/or cutting the grass, trees and bushes on the grass portion.

16. Plaintiff has enjoyed and continues to enjoy the natural and aesthetic benefits of the landscaping on the Easement Property.

17. The Plaintiffs aforementioned use, control and possession of the Easement Property for more than twenty-one (21) years provides Plaintiff with a prescriptive easement to use the Easement Property for the aforementioned uses (the "Prescriptive Easement").

**DECLARATORY JUDGMENT – Prescriptive Easement**

18. Plaintiff incorporates by reference all preceding paragraphs as if the same were set forth herein at length.

19. 42 Pa.C.S. § 7532 provides that this Honorable Court shall have the power to declare rights, status, and other legal relations whether or not further relief is or could be claimed and that such declarations shall have the force and effect of a final judgment or decree.

20. 42 Pa.C.S. § 7533 provides that:

Any person interested under a deed, will, written contract, or other writings constituting a contract, or whose rights, status, or other legal relations are affected by a statute, municipal ordinance, contract, or franchise, may have determined any question of construction or validity arising under the instrument, statute, ordinance, contract, or franchise, and obtain a declaration of rights, status, or other legal relations thereunder.

21. For more than twenty-one (21) years, Plaintiff has been in open, notorious, uninterrupted, exclusive, hostile, adverse and actual possession and control under a claim of right to the use of the Easement Property.

22. Plaintiff has acquired an easement upon Defendant’s land under the Doctrine of Prescription, *Newell Rod & Gun Club, Inc v. Baurer*, 597 A.2d 667 (Pa. Super. 1991) (In establishing a prescriptive easement...continuity is established if the evidence shows a settled course of conduct indicating an attitude of mind on the part of the user or users that the use is the exercise of a property right.).

23. Plaintiff is an interested party with respect to the Easement Property and its property right to use is affected by Defendant’s purported claim of ownership in the Easement Property and demand for Plaintiff to stop using it.

24. Plaintiffs seek to obtain from this Honorable Court a declaration of its rights regarding use through a prescriptive easement to the Easement Property.

25. A declaration by this Honorable Court will resolve the dispute concerning use of the Easement Property.

26. A judgment or decree by this Honorable Court will terminate the controversy and remove all uncertainty with respect to the Prescriptive Easement and Plaintiff's use of the Easement Property.

WHEREFORE, Plaintiff, North Penn Auto Service, LLC., respectfully request that your Honorable Court issue an order:

- (1) adjudicating that Plaintiff owns a prescriptive easement to use the Easement Property for the purposes alleged herein above and is entitled to the quiet, peaceful, and exclusive use and enjoyment of the Easement Property, for parking and storing motor vehicles as against Defendant and all persons claiming under it;
- (2) permanently enjoining Defendant and all persons claiming under it from interfering with Plaintiff's exclusive use of said Easement Property;
- (3) requiring Defendants to bear the record costs of this action; and
- (4) granting such other relief as your Honorable Court deems just and proper.

HIGH SWARTZ LLP



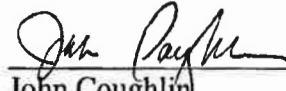
By: \_\_\_\_\_

David J. Brooman, Esquire  
Richard C. Sokorai, Esquire  
Michael A. Luongo, Esquire

Attorneys for Plaintiff  
North Penn Auto Service, LLC.

VERIFICATION

I, JOHN COUGHLIN, on behalf of NORTH PENN AUTO SERVICE, LLC, hereby verify that the facts set forth in the foregoing Complaint are true and correct to the best of my knowledge, information, and belief. I understand that any false statements therein are subject to the provisions of 18 Pa. C.S. § 4904 relative to unsworn falsification to authorities.

  
\_\_\_\_\_  
John Coughlin

Date: 1/12/2023

## EXHIBIT A

**RECORDER OF DEEDS**  
**MONTGOMERY COUNTY PENNSYLVANIA**  
*Jeanne Sorg*

One Montgomery Plaza  
Swede and Airy Streets ~ Suite 303  
P.O. Box 311 ~ Norristown, PA 19404  
Office: (610) 278-3289 ~ Fax (610) 278-3869

**I hereby certify that the following is a true and correct  
copy of the original document  
recorded in Montgomery County, PA**



*Jeanne Sorg*  
\_\_\_\_\_  
Jeanne Sorg, Recorder of Deeds



006688

**This Deed,**

made this 28<sup>th</sup> day of MARCH

2000  
1999

1350  
1350  
1350  
1350  
1350

**Between,**

John H. Gibson & Marguerite Gibson, h/w, and Joseph Egner & Katherine Egner, h/w  
(hereinafter called the "Grantors",

of the one part, and

Cumberland Farms, Inc.  
(hereinafter called the "Grantee"), of the other part.

**Witnesseth,** That in consideration of

One Hundred Seventy-Five Thousand  
(\$175,000.00)

Dollars,

in hand paid, the receipt whereof is hereby acknowledged, that said Grantors do hereby grant and convey unto the said Grantee its heirs and assigns,

**ALL THAT CERTAIN** lot or piece of ground with the buildings and improvements thereon erected, Situate in Upper Gwynedd Township, Montgomery County, PA, described according to a survey and plan made by Herbert H. Metz, Inc. R.E., Lansdale, PA, on 5/13/1959, as follows, to wit:

**BEGINNING** at a point at the intersection of the center line of Valley Forge Road (33 feet wide) and the center line of Sumneytown Pike (50 feet wide); thence extending along the center line of Valley Forge Road South 46 degrees 39 minutes West 200 feet to a point; thence extending South 39 degrees 21 minutes East crossing the Southeast side of Valley Forge Road 152.50 feet to a point; thence extending North 46 degrees 39 minutes East 200 feet to a point in the center line of Sumneytown Pike; and, thence extending along the center line of Sumneytown Pike North 39 degrees 21 minutes West 152.50 feet to the first mentioned point and place of beginning.

**BEING** Parcel #56-00-08608-00-3.

**BEING THE SAME PREMISES** which Otis E. White and Gertrude E. White, h/w, by Deed dated 8/4/1959 and recorded 8/20/1959 in Montgomery County in Deed Book 2992 page 384, conveyed unto John H. Gibson and Marguerite Gibson, h/w, and Joseph Egner and Katherine Egner, h/w, in fee.

MONTGOMERY COUNTY COMMISSIONERS REGISTRY  
56-00-08608-00-3 UPPER GWYNEDD  
SUMNEYTOWN PIKE  
GIBSON JOHN & MARGUERITE  
B 054 U 110 L 4260 DATE: 04/11/00

#6688  
U. GWYNEDD TWP. 1750.00  
STATE STAMP 1750.00  
TOTAL 3500.00  
CHECK 1750.00  
CHECK 1750.00  
ITEM 2  
04-12-00 WED #1 CASH-10 2260 09:57T

REALTY TRANS TAX PAID  
STATE 1,750.00  
LOCAL 1,750.00  
PCR

085313PG0823

Case# 2023-00697-0 Docketed at Montgomery County Prothonotary on 01/12/2023 3:43 PM. Fee = \$290.00. The filer certifies that this filing complies with the provisions of the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts that require filing confidential information and documents differently than non-confidential information and documents.





**And** the said Grantors do hereby covenant to and with the said Grantee that they, the said Grantors **John H. Gibson & Marguerite Gibson, h/w, and Joseph Egner & Katherine Egner, h/w** SHALL and WILL, Warrant and forever Defend the herein above described premises, with the hereditaments and appurtenances, unto the said Grantee, its heirs and assigns, against the said Grantors and against every other person lawfully claiming or who shall hereafter claim the same or any part thereof, by, from or under them or any of them.

**IN WITNESS WHEREOF**, the said Grantors have caused these presents to be duly executed, the day and year first above written.

**SEALED AND DELIVERED** in the Presence of:

*John H. Gibson*  
John H. Gibson  
*Joseph Egner*  
Joseph Egner



*Marguerite Gibson* (Seal)  
Marguerite Gibson

*Katherine Egner* (Seal)  
Katherine Egner

*Marganne Beckenbach* (Seal)

State of PA, County of *Montgomery*  
On this *28<sup>th</sup>* day of *March* *2000* 1999, before me, the undersigned officer, personally appeared **John H. Gibson & Marguerite Gibson, h/w, and Joseph Egner & Katherine Egner, h/w**, known to me or satisfactorily proven to be the person whose name are subscribed to the within instrument and acknowledged that they executed the same for the purposes therein contained.

Notarial Seal  
Teresa L. Mooney, Notary Public  
Towamencin Twp., Montgomery County  
My Commission Expires Mar. 31, 2003  
Member, Pennsylvania Association of Notaries

*Teresa L. Mooney*  
Notary Public

**Strong Abstract, Inc.**  
1990 Sprout Road, 2nd Floor  
Broomall, PA 19008  
TEL: (610) 353-4841  
FAX: (610) 353-2250

99588  
**Deed**

John H. Gibson & Marguerite Gibson, h/w, and  
Joseph Egner & Katherine Egner, h/w

-to-

Cumberland Farms, Inc.

PREMISES: Sunnyside Pike  
Upper Gwynedd Township  
Montgomery County, PA

PARCEL: #56-00-08608-00-3

085313P60824

The precise Grantee's Address is:  
777 DEDHAM STREET  
CANTON, MA 02021-9118  
ATTN: REAL ESTATE  
OK behalf of Grantee

Mail Tax Bills to:  
777 DEDHAM STREET  
CANTON, MA 02021-9118  
ATTN: REAL ESTATE

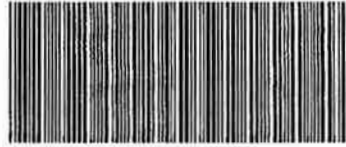
FTP-26



## EXHIBIT B



**DEED BK 6079 PG 01293 to 01298**  
 INSTRUMENT # : 2018008712  
 RECORDED DATE: 02/07/2018 08:47:23 AM



3739410-0006Q

**RECORDER OF DEEDS**  
**MONTGOMERY COUNTY**  
*Jeanne Sorg*

One Montgomery Plaza  
 Swede and Airy Streets ~ Suite 303  
 P.O. Box 311 ~ Norristown, PA 19404  
 Office: (610) 278-3289 ~ Fax: (610) 278-3869

**MONTGOMERY COUNTY ROD**

**OFFICIAL RECORDING COVER PAGE**

Page 1 of 6

<b>Document Type:</b> Deed	<b>Transaction #:</b> 3875416 - 1 Doc
<b>Document Date:</b> 02/01/2018	(s)
<b>Reference Info:</b>	<b>Document Page Count:</b> 5
	<b>Operator Id:</b> msanabia

<b>RETURN TO: (Mail)</b> SURETY TITLE ABSTRACT CO LLC 11 Eves Drive Suite 150 Marlton, NJ 08053	<b>PAID BY:</b> SURETY TITLE COMPANY
---	---

**\* PROPERTY DATA:**

Parcel ID #: 56-00-08605-00-6  
 Address: 1601 VALLEY FORGE RD

Municipality: PA  
 Upper Gwynedd Township  
 (100%)

School District: North Penn

**\* ASSOCIATED DOCUMENT(S):**

<b>CONSIDERATION/SECURED AMT:</b> <b>\$2,100,000.00</b>	DEED BK 6079 PG 01293 to 01298 Recorded Date: 02/07/2018 08:47:23 AM I hereby CERTIFY that this document is recorded in the Recorder of Deeds Office in Montgomery County, Pennsylvania.
<b>FEES / TAXES:</b>	
Recording Fee: Deed	\$86.75
Additional Pages Fee	\$2.00
Affordable Housing Pages	\$2.00
State RTT	\$21,000.00
Upper Gwynedd Township RTT	\$10,500.00
North Penn School District RTT	\$10,500.00
<b>Total:</b>	<b>\$42,090.75</b>



*Jeanne Sorg*

**Jeanne Sorg**  
 Recorder of Deeds

Rev1a 2016-01-29

**PLEASE DO NOT DETACH**

**THIS PAGE IS NOW PART OF THIS LEGAL DOCUMENT**

NOTE: If document data differs from cover sheet, document data always supersedes.  
 \*COVER PAGE DOES NOT INCLUDE ALL DATA, PLEASE SEE INDEX AND DOCUMENT FOR ANY ADDITIONAL



Case# 2023-00697-0 Docketed at Montgomery County Prothonotary on 01/12/2023 3:43 PM, Fee = \$290.00. The filer certifies that this filing complies with the provisions of the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts that require filing confidential information and documents differently than non-confidential information and documents.

MONTGOMERY COUNTY COMMISSIONERS REGISTRY

56-00-08605-00-6 UPPER GWYNEDD

1601 VALLEY FORGE RD

WAWA INC

\$15.00

B 054 U 004 L 4546 DATE: 02/07/2018

JW

**PREPARED BY &  
RECORD AND RETURN TO:**

Christopher J. Preate, Esquire  
Cozen O'Connor  
One Liberty Place, 28th Floor  
1650 Market Street  
Philadelphia, PA 19103

71339CD-02  
RECORD & RETURN TO:  
Surety Title Co., LLC  
11 Eves Drive, Suite 150  
Marlton, NJ 08053

Montgomery County

FEB 07 2018

Recorder of Deeds

**Tax Parcel No.: 56-00-08605-00-6  
1601 Valley Forge Road**

**SPECIAL WARRANTY DEED**

THIS INDENTURE made the 1<sup>st</sup> day of February 2018, but made effective as of the 2 day of February 2018, by and between WAWA, INC., a New Jersey corporation, with an address at 260 W. Baltimore Pike, Wawa, Pennsylvania 19063 (the "Grantor"), of the one part, and PROVCO PINEGOOD LANSDALE, LLC, a Pennsylvania limited liability company, with an address at 795 E. Lancaster Avenue, Suite 200, Villanova, Pennsylvania 19085 (the "Grantee"), of the other part.

WITNESSETH, that the said Grantor for and in consideration of the sum of TWO MILLION ONE HUNDRED THOUSAND DOLLARS (\$2,100,000.00) lawful money of the United States of America, unto it well and truly paid by the said Grantee, at or before the sealing and delivery, hereof, the receipt whereof is hereby acknowledged, has granted, conveyed, bargained and sold, aliened, enfeoffed, released and confirmed and by these presents does grant, convey, bargain and sell, alien, enfeoff, release and confirm unto the said Grantee and its successors and assigns:

ALL THAT CERTAIN real property and the improvements located thereon situate in the Township of Upper Gwynedd and County of Montgomery, Pennsylvania, all as more particularly described by metes and bounds on Exhibit A attached hereto, and by this reference incorporated herein for all purposes.

TOGETHER WITH all and singular the buildings, improvements, ways, streets, alleys, driveways, passages, waters, water-courses, rights, liberties, privileges, hereditaments and appurtenances, whatsoever unto the hereby granted premises belonging, or in any wise appertaining, and the reversions and remainders, rents, issues and profits thereof; and all the estate, right, title, interest, property, claim and demand whatsoever of the said Grantor, as well at law as in equity, of, in and to the same.

TO HAVE AND TO HOLD the said lot or piece of ground above described with the buildings and improvements thereon erected, hereditaments and premises hereby granted, or mentioned and intended so to be, with the appurtenances, unto the said Grantee, its successors



Case# 2023-00697-0 Docketed at Montgomery County Prothonotary on 01/12/2023 3:43 PM, Fee = \$290.00. The filer certifies that this filing complies with the provisions of the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts that require filing confidential information and documents differently than non-confidential information and documents.

and assigns, to and for the only proper use and behoof of the said Grantee, its successors and assigns forever.

AND the said Grantor, for itself and its successors and assigns does by these presents, covenant, promise, grant and agree, to and with the said Grantee, and its successors and assigns, that the said Grantor and its successors and assigns, all and singular the hereditaments and premises hereby granted, or mentioned and intended so to be, with the appurtenances, unto the said Grantee, its successors and assigns, against it the said Grantor, its successors and assigns and against all and every person or persons whomsoever lawfully claiming or to claim the same or any part thereof, by, from or under it or any of them, shall and will WARRANT and forever DEFEND.

*[remainder of page left intentionally blank; signature page follows]*



IN WITNESS WHEREOF, the Grantor has caused this Special Warranty Deed to be duly executed on the day and year first above written.

**GRANTOR:**

WAWA, INC., a New Jersey corporation

By: *Brian A. Schaller*  
Printed Name: BRIAN A. SCHALLER  
Title: SR VP

STATE OF PENNSYLVANIA

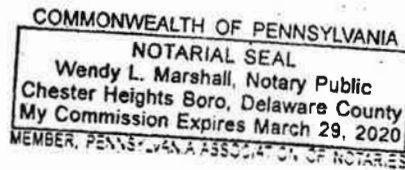
:  
: SS.

COUNTY OF Delaware

ON THIS, the 1<sup>st</sup> day of February 2018, before me, Wendy L. Marshall the undersigned officer, personally appeared Brian A. Schaller, who acknowledged himself to be the Sr. Vice President of Wawa, Inc., a New Jersey corporation, and that he/she as such Officer, being authorized to do so, executed the foregoing instrument for the purpose therein contained by signing the name of the corporation by himself/herself as such Officer.

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

*Wendy L. Marshall*  
Notary Public



Case# 2023-00697-0 Docketed at Montgomery County Prothonotary on 01/12/2023 3:43 PM, Fee = \$290.00. The filer certifies that this filing complies with the provisions of the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts that require filing confidential information and documents differently than non-confidential information and documents.



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The mailing address of the above-named Grantee is:

c/o Provco Group  
795 E. Lancaster Avenue, Suite 200  
Villanova, Pennsylvania 19085

On behalf of the Grantee

**PROVCO PINEGOOD LANSDALE, LLC**  
a Pennsylvania limited liability company



B: \_\_\_\_\_  
Printed Name: GERALD HOLTE  
Title: PRESIDENT

[Signature Page to Special Warranty Deed – 1601 Valley Forge Road]



Exhibit ALegal Description of the Property

ALL THAT CERTAIN lot or piece of ground with the buildings and improvements thereon erected situate in the Township of Upper Gwynedd, County of Montgomery and State of Pennsylvania bounded and described according to a plan of survey made for Wawa, Inc. by Control Point Associates, Inc., dated September 02, 1998 revised January 28, 2000, as follows:

BEGINNING at a point on the Southeasterly legal right-of-way line of Valley Forge Road (33 foot wide right-of-way; aka State Route 363) said point being a common corner between the herein described parcel and unit 110 block 54 lands now or formerly of John H. Gibson and Margaret Gibson and Joseph Egner and Katherine Egner, Deed Book 2992, Page 0384, from said point running, thence:

1. ALONG the division line between the herein described parcel and unit 110 block 54 South 39 degrees 21 minutes 00 seconds East, a distance of 135.84 feet to a point, thence;
2. CONTINUING along the division line of the herein described parcel and unit 110 block 54 North 46 degrees 39 minutes 00 seconds East, a distance of 174.94 feet to a point on the Southwesterly legal right-of-way line of Sumneytown Pike (50 foot wide right-or-way), thence;
3. ALONG the Southwesterly legal right-of-way line of Sumneytown Pike South 39 degrees 21 minutes 00 seconds East, a distance of 168.54 feet to a point, thence;
4. CONTINUING along the Southwesterly legal right-of-way line of Sumneytown Pike South 37 degrees 06 minutes 00 seconds East, a distance of 230.95 feet to a point, said point being a common corner between the herein described parcel and lands now or formerly of John M. Coughlin and Amy G. Coughlin, unit 3 block 54, thence;
5. ALONG the division line between the herein described parcel and unit 3 block 54 and also unit 2 block 54 South 63 degrees 15 minutes 30 seconds West a distance of 423.60 feet to a point, said point being a common corner between the herein described parcel and unit 108 block 54, lands now or formerly of Rodrick J. Danner, Jr. and Patricia White Danner, thence;
6. ALONG the division line between the herein described parcels and unit 108 block 54 North 42 degrees 26 minutes 00 seconds West a distance of 412.03 feet to a point on the Southeasterly legal right-of-way line of Valley Forge Road (33 foot wide right-of-way), thence;
7. ALONG the Southeasterly legal right-of-way line of Valley Forge Road North 46 degrees 36 minutes 58 seconds East, a distance of 270.77 feet to the point and place of BEGINNING.

PARCEL NO. 56-00-08605-00-6

BEING the same premises which William A. Gum, Inc., a Pennsylvania corporation, by Deed dated 03/06/2000 and recorded 03/22/2000 in the Office of the Recorder of Deeds in and for the County of Montgomery in Deed Book 5311, Page 430, granted and conveyed unto WAWA, Inc., a New Jersey corporation





## EXHIBIT C

**RECORDER OF DEEDS**  
**MONTGOMERY COUNTY PENNSYLVANIA**  
*Jeanne Sorg*

One Montgomery Plaza  
Swede and Airy Streets ~ Suite 303  
P.O. Box 311 ~ Norristown, PA 19404  
Office: (610) 278-3289 ~ Fax (610) 278-3869

**I hereby certify that the following is a true and correct  
copy of the original document  
recorded in Montgomery County, PA**



*Jeanne Sorg*  
\_\_\_\_\_  
Jeanne Sorg, Recorder of Deeds



D 250785ME

Commonwealth Land Title Insurance Co.

This Indenture Made this 6<sup>th</sup> day of March 2000

B  
210  
1300  
1300  
500  
50

Between  
WILLIAM A. GUM, INC., a Pennsylvania corporation (hereinafter called the Grantor),  
AND

WAWA, INC., a New Jersey corporation (hereinafter called the Grantee),

005357

**Witnesseth** That the said Grantor for and in consideration of the sum of  
One Million Seven Hundred Fifty Thousand Dollars (\$1,750,000.00)  
lawful money of the United States of America, unto them well and truly paid by the said Grantee, at or before the sealing and delivery hereof, the receipt whereof is hereby acknowledged, have granted, bargained and sold, released and confirmed, and by these presents do grant, bargain and sell, release and confirm unto the said Grantee, its successors and assigns.

(SEE SCHEDULE "C")

**Together** with all and singular the buildings and improvements, ways, streets, alleys, driveways, passages, waters, water-courses, rights, liberties, privileges, hereditaments and appurtenances, whatsoever unto the hereby granted premises belonging, or in any wise appertaining, and the reversions and remainders, rents, issues, and profits thereof; and all the estate, right, title, interest, property, claim and demand whatsoever of the said Grantor, as well at law as in equity, of, in, and to the same.

**To have and to hold** the said lot or piece of ground above described with the buildings and improvements thereon erected hereditaments and premises hereby granted, or mentioned, and intended so to be, with the appurtenances, unto the said Grantee, its successors and assigns, to and for use and behoof of the said Grantee, its successors and assigns forever.

**And** the said Grantor for itself, its successors and assigns, does by these presents, covenant, grant and agree, to and with the said Grantee, its successors and assigns, that they the said Grantor all and singular the Hereditaments and premises herein above described and granted, or mentioned and intended so to be with the Appurtenances unto the said Grantee, its successors and assigns, against the said Grantor and against all and every Person or Persons whomsoever lawfully claiming or to claim the same or any part thereof by, from, or under them or any of them, shall and will subject to aforesaid WARRANT and forever DEFEND.

**In Witness Whereof**, the said Grantors has caused these presents to be duly executed dated the day and year first above written.

SEALED AND DELIVERED  
In the presence of us:

William A. Gum, Inc. a Pennsylvania corporation  
By: William A. Gum, Pres. (SEAL)

Attest: Patricia A. Gum, Sec. (SEAL)

REALTY TRANS TAX PAID  
STATE 17,500.00  
LOCAL 17,500.00  
PER 8/16/01

DB531 | PG0430



SCHEDULE C

DESCRIPTION and RECITAL

ALL THAT CERTAIN lot or piece of ground with the buildings and improvements thereon erected SITUATE in the Township of Upper Gwynedd County of Montgomery and State of Pennsylvania bounded and described according to a plan of survey made for Wawa, Inc. by Control Point Associates, Inc., dated September 2, 1998 revised January 28, 2000, as follows:

BEGINNING at a point on the southeasterly legal right-of-way line of Valley Forge Road (33 foot wide right-of-way, aka State Route 363) said point being a common corner between the herein described parcel and unit 110 block 54 lands now or formerly of John H. Gibson and Margaret Gibson and Joseph Egner and Katherine Egner, Deed Book 2992 page 0384, from said point running, thence:

1. Along the division line between the herein described parcel and unit 110 block 54 South 39 degrees 21 minutes 00 seconds East, a distance of 135.84 feet to a point, thence;
2. Continuing along the division line of the herein described parcel and unit 110 block 54 North 46 degrees 39 minutes 00 seconds East, a distance of 174.94 feet to a point on the southwesterly legal right-of-way line of Sumneytown Pike (50 foot wide right-of-way), thence;
3. Along the southwesterly legal right-of-way line of Sumneytown Pike South 39 degrees 21 minutes 00 seconds East, a distance of 168.54 feet to a point, thence;
4. Continuing along the southwesterly legal right-of-way line of Sumneytown Pike South 37 degrees 06 minutes 00 seconds East, a distance of 230.95 feet to a point, said point being a common corner between the herein described parcel and lands now or formerly of John M. Coughlin and Amy G. Coughlin, unit 3 block 54, thence;
5. Along the division line between the herein described parcel and unit 3 block 54 and also unit 2 block 54 South 63 degrees 15 minutes 30 seconds West a distance of 423.60 feet to a point, said point being a common corner between the herein described parcel and unit 108 block 54, lands now or formerly of Rodrick J. Danner, Jr. and Patricia White Danner, thence;
6. Along the division line between the herein described parcels and unit 108 block 54 North 42 degrees 26 minutes 00 seconds West a distance of 412.03 feet to a point on the southeasterly legal right-of-way line of Valley Forge Road (33 foot wide right-of-way), thence;
7. Along the southeasterly legal right-of-way line of Valley Forge Road North 46 degrees 36 minutes 58 seconds East, a distance of 270.77 feet to the point and place of beginning.

CONTAINING 180,529 square feet or 4.144 acres.

MONTGOMERY COUNTY COMMISSIONERS REGISTRY *JP*  
56-00-08605-00-6 UPPER GWYNEDD  
SUMNEYTOWN PIKE  
UPPER HANOVER TP IND DEV AUTH *56*  
B 054 U 004 L 4546 DATE: 03/13/00

085311PG0431



BEING tax parcel 56-00-08605-00-6.

BEING the same premises which William A. Gum, Inc. (a Pa. corporation) by Deed dated July 26, 1973 and recorded in Montgomery County, in Deed Book 3873 page 93 conveyed unto Upper Hanover Township Industrial Development Authority, in fee.

BEING the same premises which Upper Hanover Township Industrial Development Authority by Deed dated 2/4/2000 and recorded in Montgomery County, in Deed Book \_\_\_ page \_\_\_ conveyed unto William A. Gum, Inc. (a Pa. corp.), in fee.

08531160432



Commonwealth of Pennsylvania )  
County of MONTGOMERY ) SS.

On this, the 6<sup>th</sup> day of March, 2000, before me, Carolyn C. Staub, the undersigned officer, personally appeared W. RICHARD GUM who acknowledged him/herself to be the PRESIDENT of William A. Gum, Inc., a Pennsylvania corporation, and that he/she, as such Officer, being authorized to do so executed the foregoing instrument for the purposes therein contained by signing the name of the corporation by him/herself as

In Witness Whereof, I hereunto set my hand and official seal.

Carolyn C. Staub  
Notary Public

My commission expires:

Notarial Seal  
Carolyn C. Staub, Notary Public  
Lansdale Boro, Montgomery County  
My Commission Expires Dec. 15, 2003  
Member, Pennsylvania Association of Notaries

PREMISES:

Route 363 and Sumneytown Pike  
Upper Gwynedd Township  
Montgomery County, PA

The address of the above-named Grantee is

260 West Baltimore Pike  
Wawa, PA 19063

On the behalf of the Grantee

#5357	
U. GWYNEDD TWP.	17500.00
STATE STAMP	17500.00
TOTAL	35000.00
CHECK	17500.00
CHECK	17500.00
ITEM 2	
03-22-00 WED #1	CASH-11 0986 14:49TM



Margaret Byland

DB5311PG0488



## EXHIBIT D

**RECORDER OF DEEDS**  
**MONTGOMERY COUNTY PENNSYLVANIA**  
*Jeanne Sorg*

One Montgomery Plaza  
Swede and Airy Streets ~ Suite 303  
P.O. Box 311 ~ Norristown, PA 19404  
Office: (610) 278-3289 ~ Fax (610) 278-3869

**I hereby certify that the following is a true and correct  
copy of the original document  
recorded in Montgomery County, PA**



*Jeanne Sorg*  
\_\_\_\_\_  
Jeanne Sorg, Recorder of Deeds





Case# 2023-00697-0 Docketed at Montgomery County Prothonotary on 01/12/2023 3:43 PM, Fee = \$290.00. The filer certifies that this filing complies with the provisions of the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts that require filing confidential information and documents differently than non-confidential information and documents.

005356

01 JAN 22 11:23

COMMONWEALTH LAND TITLE INSURANCE COMPANY - Media D 250785 ME

Fee Simple Deed No. 752-S

Printed for and Sold by John C. Clerk Co., 1326 Walnut

This Indenture Made the 4th day of February in the year of our Lord one thousand nine hundred and two (1902)

Between UPPER HANOVER TOWNSHIP INDUSTRIAL DEVELOPMENT AUTHORITY (hereinafter called the Grantor), of the one part, and

WILLIAM A. GUM, INC.

(hereinafter called the Grantee), of the other part.

Witnesseth That the said Grantor

for and in consideration of the sum of

ONE DOLLAR (\$1.00) money of the United States of America, unto it well and truly paid by the said Grantee, at or before the sealing and delivery hereof, the receipt whereof is hereby acknowledged, has granted, bargained and sold, released and confirmed, and by these presents does grant, bargain and sell, release and confirm unto the said Grantee its heirs and assigns,

ALL THAT CERTAIN lot or piece of ground, with the buildings and improvements thereon erected, Situate in the Township of Upper Gwynedd, County of Montgomery and State of Pennsylvania bounded and described according to a Proposed Commercial Parcel Plan made for Otis E. and Gertrude E. White, made by Herbert H. Metz, Inc., Civil Engineers and Surveyors, Lansdale, Pennsylvania on 2/15/1972, as follows, to wit:

BEGINNING at a point in the center line of Valley Forge Road (Route 363) (Thirty-three feet wide) which point is at the distance of Two hundred feet measured South Forty-six degrees, thirty-nine minutes West from the point of intersection of the said center line of Valley Forge Road and the center line of Sumneytown Pike, (Fifty feet wide); thence extending from said point of beginning along land now or late of John and Marguerite Gibson the two following courses and distances, viz: (1) South Thirty-nine degrees, Twenty-one minutes East One hundred fifty-two and fifty one-hundredths feet to a corner, and (2) North forty-six degrees, thirty-nine minutes East Two hundred feet to a point in the center line of Sumneytown Pike, aforesaid; thence extending along the said center line the two following courses and distances, viz: (1) South Thirty-nine degrees, Twenty-one minutes East One hundred seventy and seventy-eight one-hundredths feet to an angle therein, and (2) South Thirty-seven degrees, six minutes East Two hundred thirty-six and one one-hundredths feet to a point a corner of land now or late of Lester K. Geyer; thence extending along said land South Sixty-three degrees, Fifteen minutes, Thirty seconds West crossing the certain Twenty feet wide easement of Upper Gwynedd-Towamencin Municipal Authority four hundred and forty-nine and one one-hundredth feet to a point a corner of land now of late of R.S. and Patricia W. Danner; thence extending along the same North Forty-two degrees, Twenty-six minutes West crossing another Twenty feet wide easement of Upper Gwynedd-Towamencin Municipal Authority and crossing Towamencin Creek Four Hundred twenty-eight and ninety-one one-hundredths feet to a point in the center line of Valley Forge Road, aforesaid; thence extending along the said center line North Forty-six degrees, thirty-nine minutes East Two hundred seventy-one and sixty-eight one-hundredths feet to the first mentioned point and place of beginning.

08531TPG0425

1500  
1500  
5000  
2000



BEING the same premises which, William A. Gum, Inc., a Pa. Corporation, by Deed dated July 26, 1973, recorded July 30, 1973, in Deed Book 3873 page 93, at Norristown, Montgomery County, Pennsylvania granted and conveyed unto Upper Hanover Township Industrial Authority, an Industrial Development Authority organized and existing under the laws of the Commonwealth of Pennsylvania.

REALTY TRANS TAX PAID
STATE
LOCAL
PER

MONTGOMERY COUNTY COMMISSIONERS REGISTRY  
56-00-08605-00-6 UPPER GWYNEDD *LD*  
SUMNEYTOWN PIKE  
UPPER HANOVER TP IND DEV AUTH  
B 054 U 004 L 4546 DATE: 03/13/08 *EW*

085311P00426



PARCEL NUMBER 56-00-08605-006

**Together** with all and singular the buildings improvements, ways, streets, alleys, driveways, passages, waters, water-courses, rights, liberties, privileges, hereditaments and appurtenances, whatsoever unto the hereby granted premises belonging, or in any wise appertaining, and the reversions and remainders, rents, issues, and profits thereof; and all the estate, right, title, interest, property, claim and demand whatsoever of

the said grantor, as well at law as in equity, of, in, and to the same.

**To have and to hold** the said lot or piece of ground described hereditaments and premises hereby granted, or mentioned and intended so to be, with the appurtenances, unto the said Grantee, its heirs and assigns, to and for the only proper use and behoof of the said Grantee, its heirs and assigns forever.

REALTY TRANS TAX PAID
STATE
LOCAL
PEN


**And** the said Grantor, for itself, its heirs, executors and administrators does covenant, promise and agree, to and with the said Grantee, its heirs and assigns, by these presents, that it the said Grantor and its heirs, all and singular the hereditaments and premises hereby granted or mentioned and intended so to be, with the appurtenances, unto the said Grantee, its heirs and assigns, against it the said Grantor and its heirs, and against all and every person and persons whomsoever lawfully claiming or to claim the same or any part thereof, by, from or under it or any of them, shall and will BY THESE PRESENTS



WARRANT and forever DEFEND.

In Witness Whereof, the party of the first part, Grantors have hereunto set its hand and seal. Dated the day and year first above written.

Scaled and Delivered  
IN THE PRESENCE OF US:

UPPER HANOVER TOWNSHIP  
INDUSTRIAL DEVELOPMENT AUTHORITY

BY: *J. Byron Conly* 

ATTEST: *A. Boye Berden*   


DB5311PG0427

Commonwealth of Pennsylvania }  
County of Montgomery } ss:

On this, the 4<sup>th</sup> day of February, 2000, before me, a Notary Public for the Commonwealth of Pennsylvania, residing in the

2000  
19, before me, a Notary Public for the undersigned Officer,

personally appeared

known to me (satisfactorily proven) to be the person whose name is (are) subscribed to the within instrument, and acknowledged that they executed the same for the purposes therein contained.

I hereunto set my hand and official seal.

*Maria J. Bubb*  
Notary Public

**DEED.**

TS2-S John C. Clark Co., Phila. 1993

The address of the above-named Grantee is 521 W. Main St.  
Lansdale, PA 19446  
On behalf of the Grantee *[Signature]*

DB5311PG0428



COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF MONTGOMERY

SS

On this, the 4th day of February, 2000 before me Marci L. Grubb, the undersigned officer, personally appeared J. Byron Comly, Vice President and H. George Bonekemper, Secretary of the Upper Hanover Township Industrial Development Authority, a corporation, and that they as such officers being authorized to do so, executed the foregoing consent for the purpose therein contained by signing the name of the corporation by themselves as such officers.

In witness whereof, I hereunto set my hand and official seal.

My commission expires:

*Marci L. Grubb*  
Notary Public

Notarial Seal  
Marci L. Grubb, Notary Public  
Pennsburg Boro, Montgomery County  
My Commission Expires Nov. 10, 2003



*Margaine Bytembrake*

DB531.JPG0429





**REALTY TRANSFER TAX  
STATEMENT OF VALUE**

See Reverse for Instructions

RECORDER'S USE ONLY	
State Tax Paid	0
Book Number	5311
Page Number	425
Date Recorded	3/22/00

Complete each section and file in duplicate with Recorder of Deeds when (1) the full value/consideration is not set forth in the deed, (2) when the deed is without consideration, or by gift, or (3) a tax exemption is claimed. A Statement of Value is not required if the transfer is wholly exempt from tax based on: (1) family relationship or (2) public utility easement. If more space is needed, attach additional sheet(s).

**A CORRESPONDENT - All inquiries may be directed to the following person:**

Name	Carl Weiner, Esquire	Telephone Number	Area Code ( 215 ) 661-0400
Street Address	375 Morris Road, P.O. Box 1479	City	Lansdale, PA
		State	PA
		Zip Code	19446

B TRANSFER DATA		Date of Acceptance of Document	
Grantor(s)/Lessor(s)	Upper Hanover Industrial Development Authority	Grantee(s)/Lessee(s)	William A. Gum, Inc.
Street Address	Upper Hanover Township, P.O. Box 27	Street Address	521 West Main Street
City	East Greenville, PA	City	Lansdale, PA
State	PA	State	PA
Zip Code	18041	Zip Code	19446

C PROPERTY LOCATION		
Street Address	Sumneytown Pike	
County	School District	Tax Parcel Number
Montgomery	North Penn	560008605006
	City, Township, Borough	
	Upper Gwynedd	

D VALUATION DATA		
1. Actual Cash Consideration	2. Other Consideration	3. Total Consideration
\$1.00	+ N/A	= \$1.00
4. County Assessed Value	5. Common Level Ratio Factor	6. Fair Market Value
\$2,361,660.00	x 1.00	= \$2,361,660.00

E EXEMPTION DATA	
1a. Amount of Exemption Claimed	1b. Percentage of Interest Conveyed
\$0	N/A

2. Check Appropriate Box Below for Exemption Claimed

Will or Intestate succession (Name of Decedent) (Estate File Number)

Transfer to Industrial Development Agency.

Transfer to a trust. (Attach complete copy of trust agreement identifying all beneficiaries.)

Transfer between principal and agent. (Attach complete copy of agency/straw party agreement.)

Transfers to the Commonwealth, the United States and Instrumentalities by gift, dedication, condemnation or in lieu of condemnation. (If condemnation or in lieu of condemnation, attach copy of resolution.)

Transfer from mortgagor to a holder of a mortgage in default. Mortgage Book Number \_\_\_\_\_, Page Number \_\_\_\_\_.

Corrective or confirmatory deed. (Attach complete copy of the prior deed being corrected or confirmed.)

Statutory corporate consolidation, merger or division. (Attach copy of articles.)

Other (Please explain exemption claimed, if other than listed above.) This is not a transfer of title and is only a cancellation of the Installment Agreement. The title remains in William A. Gum, Inc., the present owner.

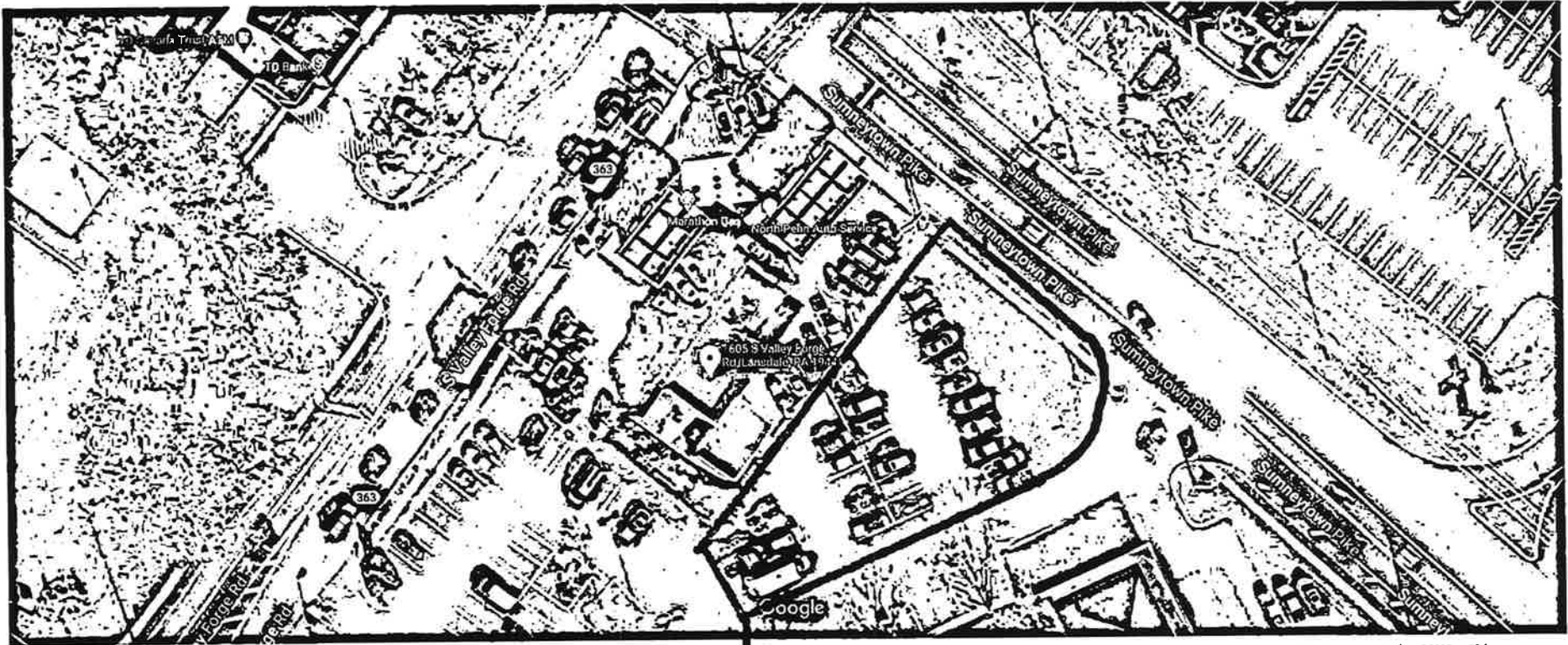
Under penalties of law, I declare that I have examined this Statement, including accompanying information, and to the best of my knowledge and belief, it is true, correct and complete.

Signature of Correspondent or Responsible Party	Date
<i>Carl N. Weiner</i>	3-6-2000

FAILURE TO COMPLETE THIS FORM PROPERLY OR ATTACH APPLICABLE DOCUMENTATION MAY RESULT IN THE RECORDER'S REFUSAL TO RECORD THE DEED.

## EXHIBIT E

Google Maps 1605 S Valley Forge Rd



Map data ©2023, Map data ©2023 20 ft

↓  
Easement Property



**ATTACHMENT B**

## Attachment B

Appellant North Penn Auto Service, LLC, located at 1605 Valley Forge Road, has continuously used an approximate 7200 sf portion of 1601 Valley Forge Road for customer parking since 1981. After 21 years, this continued use became a prescriptive easement, which is the subject of a civil action in the Montgomery County Court of Common Pleas (*See Attachment A* which is attached hereto and incorporated by reference as if set forth in full).

On February 3, 2023, the Zoning Officer issued an Enforcement Notice to appellant North Penn Auto Service, LLC, stating that “[p]arking lots are provided by and for the exclusive use of tenants and clients of on premises businesses. The only exception is found at Section 195-28.A where shared parking may be permitted on an adjacent property subject to approval by the Board of Commissioners.”

Appellant appeals the February 3, 2023 Enforcement Notice (*See Attachment C* which is attached hereto and incorporated by reference as if set forth in full) on the following bases:

- 1) The notice is defective as it does not comply with Municipalities Planning Code Section 616.1(c). The Enforcement Notice, *inter alia*, does not cite the portion of the Zoning Code which is allegedly being violated (i.e. that limits parking lots exclusively for tenants and clients of on premises businesses);
- 2) It is not a legally relevant to a zoning determination that the owner of 1601 maintains that “any previous arrangement with appellant regarding parking/vehicle storage has been terminated,” as that is a property rights issue for civil court (see Attachment A);
- 3) Township Code Section 195-28.A is not applicable to the use of a business or property owner of parking spaces by prescriptive easement on adjacent properties. This section applies to minimum parking requirements, and the circumstances in which minimum parking requirements may be met with off-premises parking (with Board of Commissioner approval). As this notice of violation is not related to the provision of minimum parking requirements for 1605 Valley Forge Road, this section is not applicable.

# ATTACHMENT C

UPPER GWYNEDD TOWNSHIP  
**BOARD OF COMMISSIONERS**

1 PARKSIDE PLACE, NORTH WALES, PA 19454

PHONE 215-699-7777

[www.uppergwynedd.org](http://www.uppergwynedd.org)

Code23-12

February 3, 2023

North Penn Auto Service LLC  
1605 Valley Forge Road  
Lansdale, PA 19446

**RE: Enforcement Notice: Upper Gwynedd Township Zoning Code**

Dear Owner/Manager:

We are advised by the owner's legal representative of 1601 Valley Forge Road that any previous arrangement with you regarding the parking or storage of motor vehicles associated with your business at 1605 Valley Forge Road on the property of 1601 Valley Forge Road has been terminated.

Parking lots are provided by and for the exclusive use of tenants and clients of on premises businesses. The only exception is found at Section 195-28.A where shared parking may be permitted on an adjacent property subject to the approval by the Board of Commissioners.

You are instructed to remove your motor vehicles from the subject property at 1601 Valley Forge Road upon receipt of this Notice but not later than 15 days from the date of the mailing of this Notice.

You may appeal this Notice by filing an application to the Upper Gwynedd Township Zoning Hearing Board within 30 days of the date of mailing of this Notice. Of course, Upper Gwynedd Township is not authorized to permit the use or date of occupancy of any property unless authorized by the property owner or its authorized representative.

Thanks in advance for your cooperation and please contact me with any questions.

  
E. Van Rieker  
Zoning Officer and Planning Coordinator

/ct

CC: North Penn Auto Service LLC  
PO BOX 462  
Worcester, PA 19490

Megan Weaver  
Denise Hull

This Notice was mailed on 2/3/, 2023.

**ZONING HEARING BOARD**  
 UPPER GWYNEDD TOWNSHIP  
 MONTGOMERY COUNTY, PENNSYLVANIA  
 Zoning Ordinance of November 23, 1987 as Amended

**RECEIVED**  
 FEB 23 2023  
 BY: 21118#22-07  
2/23/23

Check One  
 APPLICATION FOR VARIANCE(S)   
 APPLICATION FOR SPECIAL EXCEPTION(S) \_\_\_\_\_  
 APPEAL FROM ZONING OFFICER'S \_\_\_\_\_  
 DECISION/DETERMINATION(S) \_\_\_\_\_

Date: 2/23/23

PROPERTY ADDRESS/  
 LOCATION 104 BARBERRY RD LOT SIZE \_\_\_\_\_ ZONING DISTRICT \_\_\_\_\_  
NORTH WALES PA 19454

Check One (Applicant)  
 Owner  
 \_\_\_\_\_ Equitable Owner (under Agreement of Sale)  
 \_\_\_\_\_ Lessor  
 \_\_\_\_\_ Lessee

Applicant's Name: BRIAN CONNOR  
 Address: 104 BARBERRY RD  
 Telephone: \_\_\_\_\_

Check One  
 Date Ownership Secured \_\_\_\_\_  
 Date of Agreement of Sale \_\_\_\_\_  
 Date of Lease \_\_\_\_\_

Contractor's or  
 Agent's Name MARANDA CORP  
 Address PERKASIE, PA

Public Water Yes  No \_\_\_\_\_  
 Public Sewer Yes  No \_\_\_\_\_

Give full information as to Section of Zoning Ordinance involved and reasons why the Variance(s), Special Exception(s) or Appeal is desired and why it should be granted.

WE WOULD LIKE TO ROOF AN EXISTING CONCRETE/BRICK PATIO,  
 THE SETBACK IS 42'6,

Owner's signature, if Applicant is not Owner, agreeing to this Application

Applicant's Signature Brian J Connor  
 Please Print Name: BRIAN J. CONNOR

Attorney's Name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Telephone: \_\_\_\_\_

Record of Secretary - Zoning Hearing Board

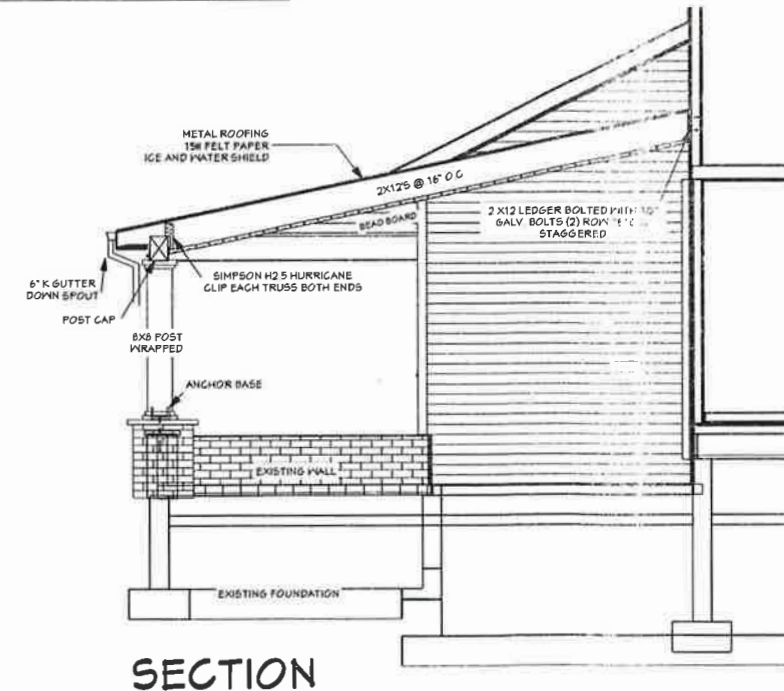
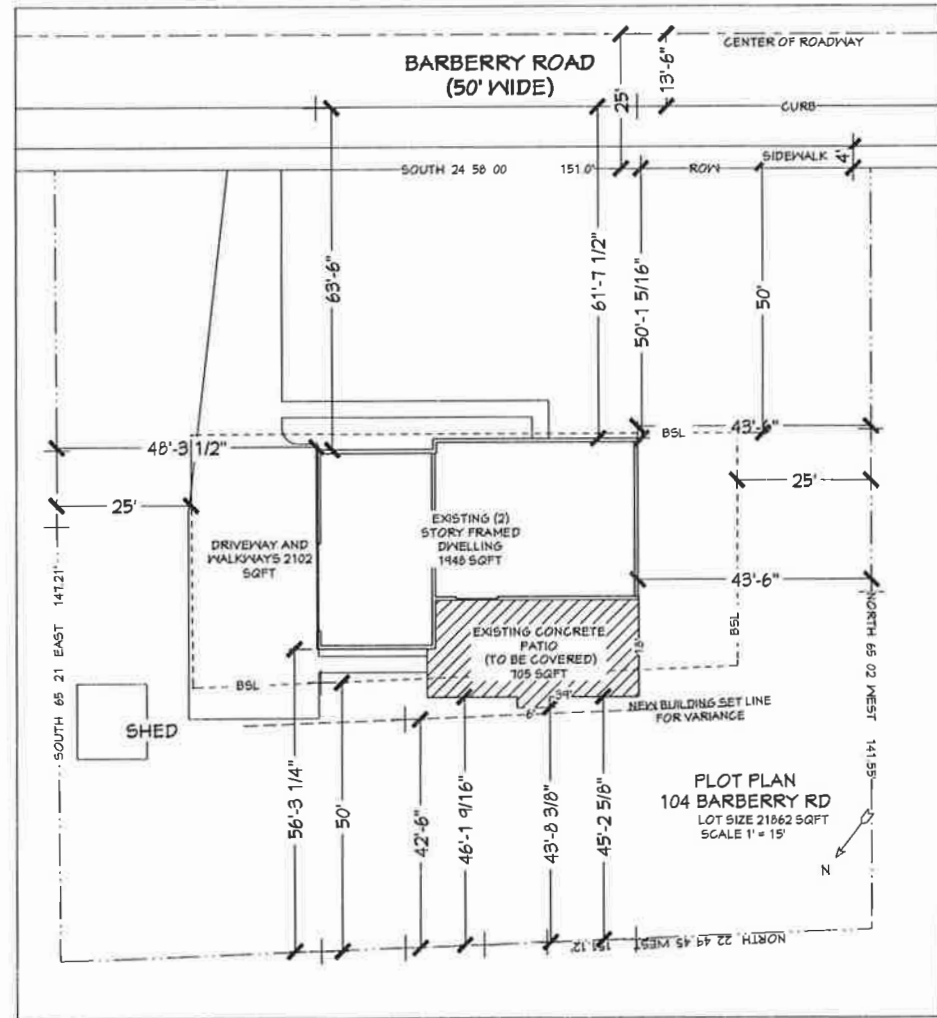
Application No. \_\_\_\_\_ Hearing Date(s) \_\_\_\_\_ Decision Date \_\_\_\_\_

VARIANCE(S)	Granted _____	Denied _____
SPECIAL EXCEPTION(S)	Granted _____	Denied _____
APPEAL	Granted _____	Denied _____

RESTRICTIONS/CONDITIONS (if any)

- ( ) Zoning Officer
- ( ) Zoning Hearing Board
- ( ) Board of Commissioners
- ( ) Zoning Solicitor

Signature of Secretary \_\_\_\_\_

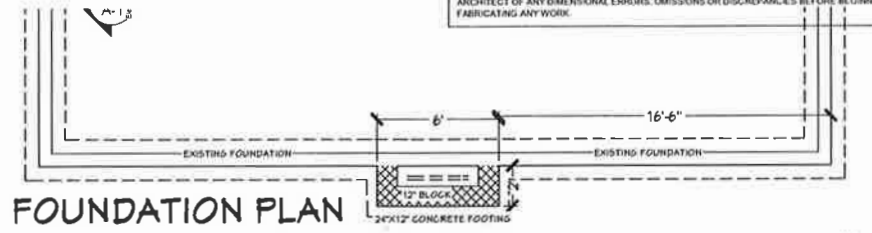


**GENERAL NOTES**

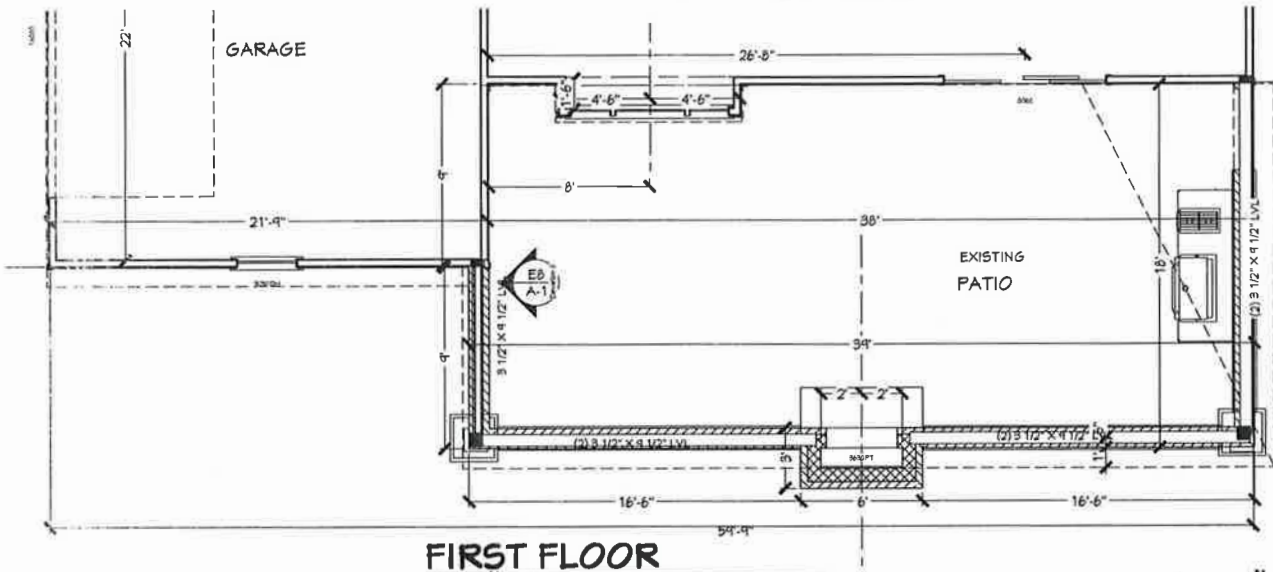
- DO NOT SCALE DRAWINGS
- ALL FOOTINGS TO BE ON NATURAL UNDISTURBED SOIL CAPABLE OF SUPPORTING 3000 POUNDS PER SQUARE FOOT. VERIFY AND NOTIFY ARCHITECT IF NOT.
- NO CUTTING OF BEARING WALLS OR BEAMS FOR PIPES, DUCTS, ETC. PROVIDE ADDITIONAL WALL FOR MECHANICALS IN FRONT OF BEARING WALL.
- ALL STRUCTURAL LUMBER MINIMUM REQUIREMENTS.
- EXTREME FIBER STRESS - BENDING (F<sub>b</sub>) = 11,500 PSI
- EXTREME FIBER STRESS - SHEAR (F<sub>v</sub>) = 750 PSI
- MODULUS OF ELASTICITY - E = 1,400,000 PSI
- MIN. FOR ALL OTHERS (GRADE 1)
- LVL BEAMS AND/OR HEADERS AS NOTED TO BE MANUFACTURED BY INTERNATIONAL PAPER CORP. OR MEET THEIR WRITTEN SPECIFICATIONS.
- TRUSS DESIGN CALCULATION AND SHOP DRAWINGS FOR ROOF TRUSSES "WITH ENGINEER'S STATE SEAL APPLIED" TO BE SUBMITTED BY TRUSS MANUFACTURER.
- RESIDENTIAL DESIGN LEVEL LOADS:  
FIRST FLOOR - 40 PSF  
SECOND FLOOR - 40 PSF  
ROOF (EMPT) - 30 PSF
- ALL WORK TO BE IN ACCORDANCE WITH LOCAL, STATE AND NATIONAL BUILDING CODES AND STANDARDS.
- ANY CHANGES AFFECTING THE DESIGN OF THE STRUCTURE SHALL BE SUBJECT TO THE APPROVAL OF THE ARCHITECT.
- THE CONTRACTOR SHALL FIELD VERIFY ALL DIMENSIONS AND CONDITIONS AT THE JOB SITE PRIOR TO START OF WORK AND REPORT ANY DISCREPANCIES TO THE JOB SUPERINTENDENT BEFORE STARTING WORK.
- ALL HEADERS TO BE 2X12S UNLESS OTHERWISE NOTED (EXISTING OR NEW).
- 6088E IRC 2310
21. ALL SHORE DETECTORS TO HARD WIRE AND INTERCONNECTED WITH BATTERY BACK-UP.
- GENERAL CONTRACTOR/OWNER SHALL NOTIFY ARCHITECT/ENGINEER OF ANY DISCREPANCY IN THIS DRAWING WITH EXISTING FIELD CONDITION, IN WRITING, BEFORE ANY WORK CONTINUES.
- ALL HARDWARE IN CONTACT WITH ACGA PRESSURE TREATED WOOD SHALL MEET ASTM STANDARDS A 193 CLASS D FOR FASTENERS, AND ASTM A 653 CLASS 588 FOR CONNECTORS, OR HARDWARE MAY BE STAINLESS STEEL.
- THE CONTRACTORS ARE RESPONSIBLE FOR THE SAFETY OF THE EXISTING STRUCTURE AND ALL DEMOLITION TO COMPLETE THEIR WORK. WEATHER SHOWN ON DRAWING OR NOT.
- THE ARCHITECT/ENGINEER IS NOT RESPONSIBLE FOR SUPERVISION NOR ANY DEVIATION FROM THESE PRINTS.
- ALL PRESERVE TREATED LUMBER TO ACG 25 RETENTION, 20# K2 OR BET.
- REVIS CHECK CODE 2318 REG.
- ALL RECESSED LIGHTING AT UNCONFINED CEILING SHALL BE AIR TIGHT.
- ALL FIRE BLOCK ALL DRIPPED CEILING, CHASES, SOFFITS AND GORGE/CEILING SPACES. FIRE CALK ALL PIPE, WIRE AND DUCT PENETRATIONS.
- ALL EXPOSED SCISSOR SHALL BE READY OPERABLE FROM THE SIDE FROM WHICH ADDRESS IS TO BE MADE WITHOUT THE USE OF A KEY OR SPECIAL KNOWLEDGE OR EFFORT.
- ALL OPERABLE WINDOWS LOCATED MORE THAN 12 INCHES ABOVE THE FINISHED GRADE OR SURFACE BELOW THE LOWEST PART OR THE CLEAR OPENING SHALL BE A MINIMUM OF 24" ABOVE THE FINISHED FLOOR.
- FINISH SIZES ARE SHOWN IN FEET, INCHES, FEET, INCHES (EX. 3/16" x 5/8" x 3/4" x 5/8" HEIGHT)

**SECTION**

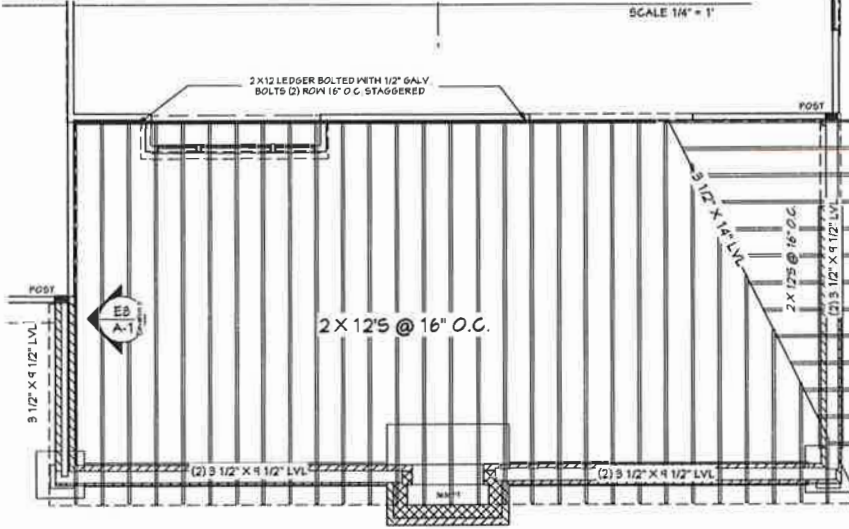
To the best of my knowledge these plans are drawn to comply with owner's and/or builder's specifications and any changes made on them after prints are made will be done at the owner's and/or builder's expense and responsibility. The contractor shall verify all dimensions and enclosed drawing. Buckingham Drafting and Design is not liable for errors once construction has begun. While every effort has been made in the preparation of this plan to avoid mistakes, the maker cannot guarantee against human error. The contractor of the job must check all dimensions and other details prior to construction and be solely responsible thereafter. THESE DRAWINGS ARE THE PROPRIETARY WORK PRODUCT AND PROPERTY OF BUCKINGHAM DRAFTING AND DESIGN. ANY REUSE OR REPRODUCTION OF THESE DRAWINGS AND CONCEPTS CONTAINED THEREIN WITHOUT THE WRITTEN PERMISSION OF BUCKINGHAM DRAFTING AND DESIGN IS PROHIBITED AND MAY SUBJECT YOU TO A CLAIM FOR DAMAGES. CONTRACTOR SHALL VERIFY ALL CONDITIONS AND DIMENSIONS AT THE JOB SITE AND NOTIFY THE ARCHITECT OF ANY DIMENSIONAL ERRORS, OMISSIONS OR DISCREPANCIES BEFORE BEGINNING OR FABRICATING ANY WORK.



**FOUNDATION PLAN**



**FIRST FLOOR**



**ROOF FRAMING PLAN**

**RECEIVED**  
FEB 23 2023  
BY: \_\_\_\_\_



REVISION TABLE	NUMBER	DATE	REVISION BY	DESCRIPTION

PROPOSED NEW ROOF OVER EXISTING CONCRETE PATIO @ 104 BARBERRY ROAD UPPER GWYNEDO  
PREPARED FOR MR. BRIAN CONNER 104 BARBERRY ROAD UPPER GWYNEDO  
BUCKINGHAM DRAFTING AND DESIGN  
PO BOX 305 MECHELANVILLE, PA 18934 267-629-9990

FLOOR, FRAMING AND FOUNDATION PLANS  
SECTION PLOT PLAN  
DRAWINGS PROVIDED BY: M. GARDNER DRAWING NO. 23006

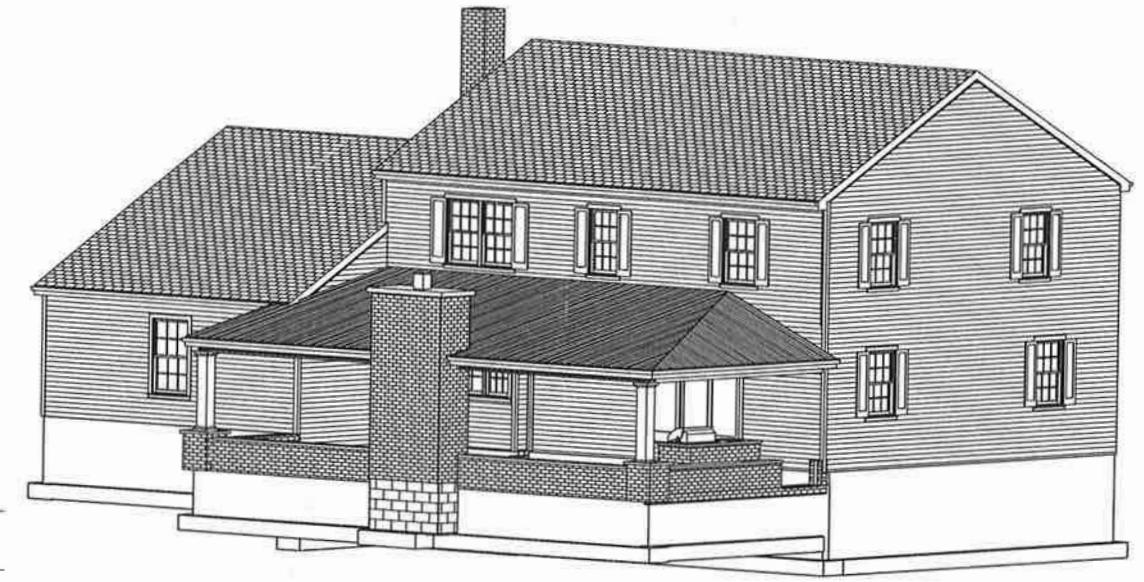
DATE: 2/23/2023  
SCALE: 1/4" = 1'  
SHEET: A-1

To the best of my knowledge these plans are drawn to comply with owner's and/or builder's specifications and any changes made on them after prints are made will be done at the owner's and/or builder's expense and responsibility. The contractor shall verify all dimensions and enclosed drawing. Buckingham Drafting and Design is not liable for errors once construction has begun. While every effort has been made in the preparation of this plan to avoid mistakes, the maker can not guarantee against human error. The contractor of the job must check all dimensions and other details prior to construction and be solely responsible thereafter. THESE DRAWINGS ARE THE PROPRIETARY WORK PRODUCT AND PROPERTY OF BUCKINGHAM DRAFTING AND DESIGN DEVELOPED FOR THE EXCLUSIVE USE OF BUCKINGHAM DRAFTING AND DESIGN WITHOUT THE WRITTEN PERMISSION OF BUCKINGHAM DRAFTING AND DESIGN IS PROHIBITED AND MAY SUBJECT YOU TO A CLAIM FOR DAMAGES. CONTRACTOR SHALL VERIFY ALL CONDITIONS AND DIMENSIONS AT THE JOB SITE AND NOTIFY THE ARCHITECT OF ANY DIMENSIONAL ERRORS, OMISSIONS OR DISCREPANCIES BEFORE BEGINNING OR FABRICATING ANY WORK.



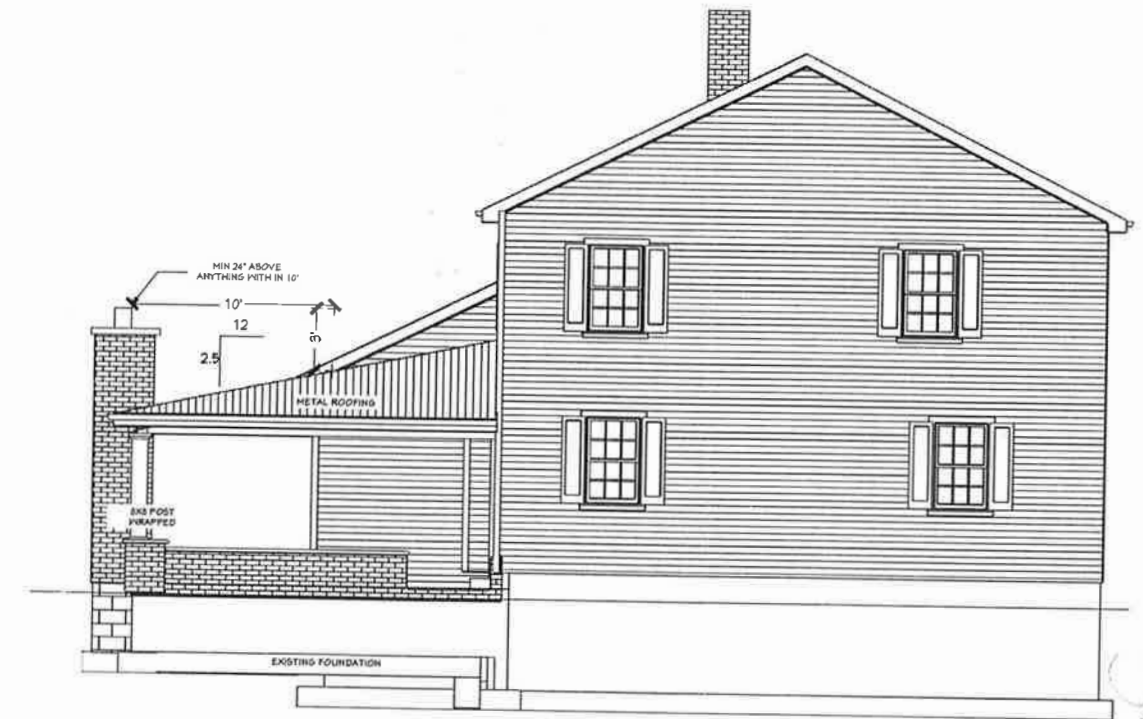
REAR ELEVATION

SCALE 1/4" = 1'



RIGHT ELEVATION

SCALE 1/4" = 1'



LEFT ELEVATION

SCALE 1/4" = 1'

REVISION TABLE	NUMBER	DATE	DESCRIPTION

PROPOSED NEW ROOF OVER EXISTING CONCRETE PATIO @ 104 BARBERRY ROAD UPPER GYMNEDD PREPARED FOR MR. BRIAN CONNOR 104 BARBERRY ROAD UPPER GYMNEDD BUCKINGHAM DRAFTING AND DESIGN PO BOX 305 MECHANICSVILLE, PA 18931 267-626-9990

ELEVATIONS

DRAWINGS PROVIDED BY: M. GARDNER DRAWING NO. 23001

DATE:

2/23/2023

SCALE:

1/4" = 1'

SHEET:

A-2

