

TOWNSHIP OF WEST HEMPFIELD

Lancaster County, Pennsylvania

RESOLUTION NO. 3-2017

A RESOLUTION OF THE TOWNSHIP OF WEST HEMPFIELD, LANCASTER COUNTY, PENNSYLVANIA, AUTHORIZING CONDEMNATION OF A STORM WATER MANAGEMENT EASEMENT OR ACCEPTING A STORM WATER MANAGEMENT EASEMENT BY GRANT IN LIEU OF CONDEMNATION RELATING TO THE MUNICIPAL COMPLEX PROJECT.

WHEREAS, the Township has determined to construct a municipal complex to provide offices and facilities for the Township, the West Hempfield Township Police Department, and West Hempfield Fire and Rescue Company (the "Project");

WHEREAS, the Township believes that the acquisition of a storm water management easement and completion of the Project will be beneficial to Township residents and landowners; and

WHEREAS, the Township desires to authorize the acquisition of the necessary storm water management easement for the Project from the affected landowners by eminent domain or by grant in lieu of condemnation.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by Board of Supervisors of the Township of West Hempfield, Lancaster County, Pennsylvania, as follows:

Section 1. The Township deems it necessary, proper and expedient to exercise the power of eminent domain vested in the Township by the Second Class Township Code, Act of May 1, 1933, P.L. (1933) 103, No. 69, as amended, to obtain by condemnation or by grant in lieu of condemnation for public purposes a storm water management easement through a certain tract of land within the Township identified as follows:

- A. Owner or Owners: Rodney M. Heisey and Teresa K. Heisey
Property: Part of Tax Account No. 300-79146-0-0000

Section 2. The Township hereby elects and resolves to take, to use and to appropriate, for public purposes, the storm water management easement through the property referenced in Section 1 of this Resolution.

Section 3. The Chairman or Vice Chairman of the Board of Supervisors be and they are hereby authorized to proceed in the name of and on behalf of the Township to prosecute condemnation proceedings in the Court of Common Pleas of Lancaster County, Pennsylvania, for the purpose of acquiring the storm water management easement through the property referenced in Section 1 of this Resolution, and the said Chairman or Vice Chairman be and they are hereby authorized in the name of and on behalf of the Township:

A. To execute and deliver from time to time, to the extent legally required, on behalf of the Township, as principal obligor, bonds to secure to the owners and tenants, if any, of the property, payment for such amount of damages as the parties shall be entitled to receive as a result of the aforesaid taking and appropriation;

B. To file with the proper court or courts, the bond or bonds of the Township with or without corporate surety as may be required in conjunction with condemnation proceedings;

C. To file in the proper court or courts the declarations of taking or any amended declarations of taking, to record in the Recorder of Deeds Office the notices of condemnation or any amended notices of condemnation, and to give notice of condemnation to the owners of the property interests taken;

D. To pay, or make written offer to pay, the amount of estimated just compensation to the condemnees or into the Court of Common Pleas of Lancaster County, Pennsylvania;

E. To petition for the appointment of a Board of View and to conduct proceedings before said Board of View;

F. To take an appeal or appeals from the Board of View and to conduct proceedings before a court and jury;

G. To give notice of the condemnation to the owners, tenants and occupiers of the property and to enter upon the property in the manner provided by law;

H. To compromise and settle the amount of compensation to be paid for the taking and appropriation of the storm water management easement through the property and to accept a grant in lieu of condemnation;

I. To apply for grants and to take such action as may be necessary to borrow funds to acquire the storm water management easement through the property;

J. To retain the services of such engineers, surveyors, appraisers, financial advisors, consultants, attorneys and other persons as may be necessary to acquire the storm water management easement and to finance the cost of acquisition.

K. To take all other necessary steps and execute all documents to enable the Township to acquire storm water management easement through the property and to enter into possession of the easement for the purpose of carrying into effect the public purpose as aforesaid.

Section 4. It is the intention of Board of Supervisors that the acquisition of the easement over the property shall be exempt from Pennsylvania and local realty transfer taxes, and the Township Secretary or the Township Solicitor is authorized to execute realty transfer tax statements of value in order to obtain such exemption.

Section 5. In the event any provision, section, sentence, clause or part of this Resolution shall be held to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such invalidity, illegality or unconstitutionality shall not affect or impair the remaining provisions, sections, sentences, clauses or parts of this Resolution, it being the intent of the Board of Supervisors that the remainder of the Resolution shall be and shall remain in full force and effect.

Section 6. This Resolution shall take effect and be in force immediately.

DULY ADOPTED this 3 day of January, 2017, by the Board of Supervisors of the Township of West Hempfield, Lancaster County, Pennsylvania, in lawful session duly assembled.

TOWNSHIP OF WEST HEMPFIELD
Lancaster County, Pennsylvania

Attest: Adew St
(Assistant) Secretary

By: David M. Sawyer
(Vice) Chairman
Board of Supervisors

[TOWNSHIP SEAL]

