

LONDON GROVE TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA

RESOLUTION NO. 744

RESOLUTION OF THE BOARD OF SUPERVISORS OF LONDON GROVE TOWNSHIP AUTHORIZING THE ACQUISITION OF REAL PROPERTY INTERESTS SITUATE IN THE TOWNSHIP OF LONDON GROVE, CHESTER COUNTY, PENNSYLVANIA BY PURCHASE OR CONDEMNATION FOR THE PURPOSE OF THE STATE ROAD SIDEWALK PROJECT.

WHEREAS, London Grove Township (the “Township”) is engaged in consultation and cooperation with the Commonwealth of Pennsylvania Department of Transportation regarding a certain public project known as the State Road Sidewalk Project; and

WHEREAS, the Board of Supervisors of the Township (the “Board”) is authorized and empowered pursuant to applicable law to acquire real property interests necessary for the construction of a public sidewalk and related drainage facilities on a portion of State Road in furtherance of completion of the State Road Sidewalk Project; and

WHEREAS, in order to complete the State Road Sidewalk Project, the Township requires certain permanent easements and temporary construction easements in, on, over, to, and through certain portions of real property situate in the Township, as more fully described hereinbelow; and

WHEREAS, the Township has negotiated in good faith with various property owners to acquire the necessary property interests for the State Road Sidewalk Project and must complete the acquisition of such property interests in order to construct the Sidewalk;

NOW, THEREFORE, BE IT RESOLVED by the Board that the acquisition of the following property interests (collectively referred to as the “Property Interests”) by purchase or condemnation according to law is authorized for, and in connection with, the public project known as the State Road Sidewalk Project:

- (1) **391 East State Road- Chester County Tax Parcel 59-8-133.33 (“Parcel 133.33”)** (a) a permanent sidewalk easement across 531 square feet or 0.012 acres of Parcel 133.33; and (b) a temporary construction easement across 1,187 square feet or 0.027 acres of Parcel 133.33 for access and grading in order to construct the sidewalk and to regrade a portion of the existing driveway to match the grade of the new sidewalk. The areas of the permanent sidewalk easement and temporary construction easement across Parcel 133.33 are depicted on plans prepared by McMahan Associates, Inc. consisting of 2 sheets dated April 2, 2019 which are attached hereto as Exhibit “A”.

- (2) **399 East State Road- Chester County Tax Parcel 59-8-133.31 (“Parcel 133.31”)** (a) a permanent sidewalk easement across 734 square feet or 0.017 acres of Parcel 133.31; and (b) a temporary construction easement across 806 square feet or 0.018 acres of Parcel 133.31 for access and grading in order to construct the sidewalk and to regrade a portion of the existing driveway to match the grade of the new sidewalk. The areas of the permanent sidewalk easement and temporary construction easement across Parcel 133.31 are depicted on plans prepared by McMahon Associates, Inc. consisting of 2 sheets dated April 2, 2019 which are attached hereto as Exhibit “B”.
- (3) **466 East State Road- Chester County Tax Parcel 59-8-117 (“Parcel 117”)** (a) a permanent drainage easement across 770 square feet or 0.018 acres of Parcel 117 in order to install a new 18 inch reinforced concrete drainage pipe underneath the area of the proposed drainage easement. The area of the permanent drainage easement across Parcel 117 is depicted on plans prepared by McMahon Associates, Inc. consisting of 2 sheets dated April 2, 2019 which are attached hereto as Exhibit “C”.
- (4) **479 East State Road- Chester County Tax Parcel 59-8-133.3 (“Parcel 133.3”)** (a) a permanent sidewalk easement across 466 square feet or 0.011 acres of Parcel 133.3; and (b) a temporary construction easement across 1,110 square feet or 0.025 acres of Parcel 133.3 for access and grading in order to construct the sidewalk and to regrade a portion of the existing driveway to match the grade of the new sidewalk. The areas of the permanent sidewalk easement and temporary construction easement across Parcel 133.3 are depicted on plans prepared by McMahon Associates, Inc. consisting of 2 sheets dated April 2, 2019 which are attached hereto as Exhibit “D”.

BE IT FURTHER RESOLVED by the Board that the Property Interests necessary for the public project known as State Road Sidewalk Project shall be acquired by the Township by purchase or condemnation as a permanent easement or in the case of the temporary construction easements, as a lesser estate as the Township shall determine necessary therefore; and

BE IT FURTHER RESOLVED by the Board that the Township Manager and the Township Solicitor are authorized and directed to take any and all steps which they, in their discretion, deem necessary and proper and in the best interests of the Township to effectuate this Resolution including, without limitation, the filing of Declarations of Taking under and pursuant to the Pennsylvania Eminent Domain Code, 26 Pa.C.S.A. § 101 *et seq.* to acquire the Property Interests described above.

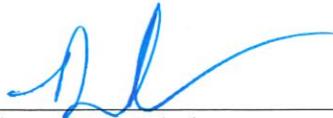
RESOLVED by the Board of Supervisors of London Grove Township the 6th day of May, 2020.

ATTEST:

**LONDON GROVE TOWNSHIP
BOARD OF SUPERVISORS**



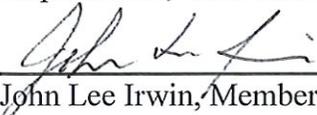
Dawn Maciejczyk, Secretary



David Connors, Chairman



Stephen Zurl, Vice-Chairman



John Lee Irwin, Member

Kevin Runey, Member