

ORDINANCE NO. 84-3

AN ORDINANCE AUTHORIZING HILLTOWN TOWNSHIP TO FILE A DECLARATION OF TAKING TO ACQUIRE PROPERTY PURSUANT TO EMINENT DOMAIN FOR THE PURPOSE OF WIDENING THE FAIRHILL SCHOOL ROAD BRIDGE

WHEREAS, Hilltown Township will be replacing the existing fourteen (14) foot wide stone bridge and replacing it with a twenty-four (24) foot wide concrete bridge, said bridge presently being known as the Fairhill School Road Bridge; and

WHEREAS, it will be necessary for Hilltown Township to acquire a permanent right-of-way easement and a temporary construction easement over certain lands owned by Edison C. Eater and Judith S. Eater, his wife, said Legal Description being set forth as Exhibit "A"; and

WHEREAS, Hilltown Township is authorized to acquire said lands by condemnation proceedings in accordance with 26 P.S. §1-401 et seq; 53 P.S. §66001 et seq; and the Pennsylvania Consitution.

NOW THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Supervisors of Hilltown Township, Bucks County, Pennsylvania, the following ordinance:

1. The land described in Exhibit "A" hereto (namely, a permanent right-of-way easement and a temporary construction easement) is hereby condemned;

2. The Township condemns that parcel described as Legal Description Number 1 and takes a full, free, and uninterrupted perpetual easement, right, use and privilege, at the expense of the condemnor, its heirs, executors, administrators, successors, and assigns, for a permanent right -of-way easement, including the right to construct, install, operate, maintain, repair, replace, or relocate, enlarge, add to and otherwise supervise and control on, under and/or across the land described herein as Legal Description Number 1 on Exhibit "A", such permanent right-of-way easement, as well as all facilities in connection therewith as shall be necessary or appropriate in order to supply and service condemnor, its nominee, successors and assigns including the full, free and uninterrupted right and privilege of ingress and egress to and from said portions of the lands of condemnees as described herein as Legal Description Number 1 at all times for the purpose aforesaid, provided, however, that the said permanent right -of-way easement and all facilities in connection therewith shall be maintained by Hilltown Township for purposes related to the operation of the Fairhill School Road Bridge;

3. The Township condemns that parcel described as Legal Description Number 2 and takes a full, free and uninterrupted temporary easement, right, use and privilege, at the expense of condemnor, its successors and assigns, for a temporary

construction easement, including, but not limited to, the right to construct, install, operate, maintain, repair, replace, enlarge, regulate erosion control/sedimentation facilities during construction, add to and otherwise supervise and control on, under and/or across the lands described herein as Legal Description Number 2, such temporary construction easement, as well as all facilities in connection therewith as shall be necessary or appropriate in order to supply and service condemnor, its nominee, successors and assigns including the full, free, and uninterrupted right and privilege of ingress and egress to and from said portions of the lands of condemnees as described herein as Legal Description Number 2 at all times for the purpose aforesaid, provided, however, that the said temporary construction easement shall end and be forever terminated upon completion of all improvements to the Fairhill School Road Bridge (the date of completion being the date that the Township Engineer has certified that all work has been finished). Condemnor hereby acknowledges and agrees that there will be no substantial cutting and/or removing of trees and any ground disturbance caused by the condemnor will be restored to the natural contours of the area as existed prior to the taking of this temporary construction easement.

4. The Township hereby authorizes its solicitor to file a Declaration of Taking with the appropriate agency and to begin

condemnation proceedings.

ENACTED AND ORDAINED this *23rd* day of *July* A.D.,
1984.

HILLTOWN TOWNSHIP BOARD OF
SUPERVISORS

Vincent Pischl, Jr.

VINCENT PISCHL, CHAIRMAN

Mary Lockard

MARY LOCKARD, VICE CHAIRMAN

Robert H. Grunmeier

ROBERT H. GRUNMEIER, MEMBER

ATTEST:

Gloria G. Neiman

Gloria G. Neiman, Secretary

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#2 West Butler Avenue
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Richard S. Cowan, P.E., Ret.

James R. Leister, PE
William D. Koo, PE
Johann F. Sauer, PE
Marshall A. Phillips, RS

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Permanent Right-of-way
Over Lands of
Edison Eater
CAI 00760
May 16, 1983
Revised May 16, 1984

LEGAL DESCRIPTION
NUMBER 1

ALL THAT CERTAIN right-of-way situate in the Township of Hilltown, County of Bucks, and Commonwealth of Pennsylvania bound and described as follows, to wit:

BEGINNING at a point on the southwesterly right-of-way line of Fairhill School Road (T-332) said point being a common corner of lands of Bucks County and Edison Eater;

THENCE (A) leaving said right-of-way of Fairhill School Road and along lands of Bucks County, S 44° 45' 00" W, 4.72 feet to a point;

THENCE (B) passing through lands of said Edison Eater, N 43° 00' 00" W, 18.12 feet to a point;

THENCE (C) along same, N 47° 00' 00" E, 4.71 feet to a point on the southwesterly right-of-way of Fairhill School Road, S 43° 00' 00" E, 18.30 feet to the point of beginning. Containing 85.757 square feet or 0.002 acres, being a permanent right-of-way.

LEGAL DESCRIPTION, NUMBER 2

ALSO CONTAINING a piece of land being a temporary construction easement, bound and described as follows:

BEGINNING at a point, said point being 21.22 feet measured S 44° 45' 00" W, from the center of Fairhill School Road Bridge:

- THENCE (A) S 44° 45' 00" W, + 35 feet;
- THENCE (B) N 43° 00' 00" W, + 50 feet;
- THENCE (C) N 47° 00' 00" E, + 42 feet;
- THENCE (D) S 43° 00' 00" E, + 32 feet;
- THENCE (E) S 47° 00' 00" W, 4.71 feet;
- THENCE (F) S 43° 00' 00" E, 18.12 feet;

Containing 1,990.00 square feet.