

RESOLUTION NO. 2005-13

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF  
TULPEHOCKEN TOWNSHIP, BERKS COUNTY, PENNSYLVANIA  
AUTHORIZING THE TOWNSHIP TO OBTAIN CERTAIN PROPERTY  
LOCATED IN THE TOWNSHIP BY DEED IN LIEU OF  
CONDEMNATION FOR THE TULPEHOCKEN TOWNSHIP  
WASTEWATER COLLECTION SYSTEM AND TREATMENT PLANTS**

WHEREAS, Tulpehocken Township, Berks County, Pennsylvania ("Township") has undertaken to construct, install, and operate a public wastewater collection system and wastewater treatment plants to service the Mt. Aetna and Rehrersburg areas of the Township ("Project"). In order to construct and install the wastewater treatment plants and complete the Project, the Township must hold title in and to the real property where a pump station to service the Rehrersburg wastewater treatment plant ("Pump Station") will be constructed and installed; and

WHEREAS, under Section 2501 of the Second Class Township Code ("Code"), 53 P.S. § 67501, the Township is authorized to locate the Project on private property and may acquire such property by gift, purchase or eminent domain; and

WHEREAS, the Board of Supervisors of the Township ("Board") has negotiated with the owners of certain real property within the Township to subdivide and acquire a certain parcel of land by deed in lieu of condemnation for the location and construction of the Pump Station, as authorized by Section 2501 of the Code.

BE IT RESOLVED by the Board of Supervisors of Tulpehocken Township, Berks County, Pennsylvania and it is hereby RESOLVED as follows:

1. The Township is authorized to acquire by deed in lieu of condemnation from Florence R. Schrack, Richard L. Schrack, Phelps T. Riley, Trustees, Florence R. Schrack Revocable Trust dated February 4, 1998 that certain 0.389 acre parcel of land, described in Exhibit A, attached hereto and made a part hereof, for the purposes of constructing and installing the Pump Station.
2. The Chairman of the Board is hereby authorized to execute any and all documents, instruments, and agreements necessary to effectuate the acquisition of and title in and to the above-referenced parcels of land by deed in lieu of condemnation.

ADOPTED AS A RESOLUTION of the Board of Supervisors of Tulpehocken Township, Berks County, Pennsylvania, this 29<sup>th</sup> day of August, 2005.

BOARD OF SUPERVISORS OF  
TULPEHOCKEN TOWNSHIP, BERKS  
COUNTY, PENNSYLVANIA

By: Ronald S. White  
Chairman

ATTEST:

Judy A. Sadore  
Secretary

EXHIBIT A  
Legal Description  
Land to be Acquired by Deed in Lieu of Condemnation

**BEGINNING** at an iron pin set, being a corner of lands, previously annexed out of this description, now or formerly of Florence R. Schrack, and being on the southern right-of-way line of Rehrersburg Road being 33 feet in width; Thence along said lands of Florence R. Schrack by the following two courses and distances: 1) South thirty-five degrees twenty-five minutes thirty-four seconds West (S. 35° 25' 34" W.) a distance of one hundred forty-seven and fourteen one hundredths feet (147.14) to a set iron pin; 2) North thirty degrees fifty minutes zero seconds West (N. 30° 50' 00" W.) a distance of one hundred eighty-three and eighty-nine one hundredths feet (183.89) to a set iron pin being a corner in line with lands now or formerly of Paul D. Brossman; Thence by said lands of Paul D. Brossman North seventy-eight degrees twenty minutes twenty-one seconds East (N. 78° 20' 21" E.) a distance of one hundred twenty-five and thirty-two one hundredths feet (125.32) to a set iron pin on the southern right-of-way line of Rehrersburg Road; Thence along the southern right-of-way line of said road by a line curving to the left having a radius of one thousand eight hundred sixty and eighty-eight hundredths feet (1,860.88), an arc length of eighty-five and eight one hundredth feet (85.08), a chord bearing of South forty-one degrees fifty-three minutes forty-four seconds East (S. 41° 53' 44" E.), a chord length of eight-five and eight one hundredth feet (85.08) to the place of **Beginning**.

**CONTAINING** a total acreage of 16,962 sq.ft. or 0.389 acres, and being shown in greater detail on the Final Subdivision Plan for Florence R. Schrack, Richard I. Schrack, Phelps T. Riley, Trustees, Florence R. Schrack Revocable Trust prepared by Brinjac Engineering, Inc., dated July 21, 2005 and last revised August \_\_\_\_, 2005 and recorded August \_\_, 2005 in Plan Book \_\_, Page \_\_, Berks County Records, and being designated as Remaining Area to be Acquired by Tulpehocken Township on Drawing No. C-2.

DESCRIPTION herein is based upon a survey completed by Burget & Associates, Inc. dated April 7, 2005.

BEING PART OF the same premises which Florence R. Schrack by Deed bearing date February 4, 1998 and recorded in the Office of the Recorder of Deeds in and for the County of Berks, State of Pennsylvania in Deed Book 2921, page 259 granted and conveyed unto Florence R. Schrack, Richard I. Schrack, Phelps T. Riley, Trustees, Florence R. Schrack Revocable Trust dated February 4, 1998, in fee.