

RESOLUTION NO. 2005-8

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF
TULPEHOCKEN TOWNSHIP, BERKS COUNTY, PENNSYLVANIA
AUTHORIZING THE CONDEMNATION OF CERTAIN PROPERTIES
LOCATED IN TULPEHOCKEN TOWNSHIP FOR EASEMENTS FOR
THE TULPEHOCKEN TOWNSHIP WASTEWATER COLLECTION
SYSTEM**

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

1. Tulpehocken Township, Berks County, Pennsylvania ("Township"), a Pennsylvania township of the second class, hereby appropriates and condemns certain real estate located in Tulpehocken Township, Berks County, Pennsylvania, pursuant to the Pennsylvania Eminent Domain Code, 26 P.S. § 1-101, et seq., as amended.

2. The condemnees and properties being condemned are as follows:

a. Mt. Aetna Trust, 7669 Lancaster Avenue, Tulpehocken Township, Berks County, Pennsylvania, Tax Parcel # 86-4309-07-59-5415:

i. the property being condemned is part of the premises of the condemnee which premises were acquired by deed dated December 6, 1996 and recorded with the Office of the Recorder of Deeds of Berks County, Pennsylvania, at Record Book 2788, Page 1876.

ii. a permanent easement is condemned over the property of the condemnee for the following purposes:

A. to erect, construct, install, and lay, and thereafter use, operate, inspect, repair, maintain, replace and remove the Mt. Aetna wastewater collection system, including but not limited to pipes, laterals, connections, mains, valves, manholes and other appurtenances, as the Township may from time to time require, over, across and through that portion of land containing approximately 2,674 square feet, as more fully described in Exhibit A-1 and shown in Exhibit B-1.

iii. a temporary easement is condemned over the property of the condemnee for the following purposes:

A. in that portion of the land of condemnee to be encumbered by a temporary easement, the Township and its servants, agents, employees, contractors and subcontractors shall have the right to

enter upon and occupy such premises during the construction and installation phase of the Mt. Aetna wastewater collection system. The temporary easement granted herein is for the sole purpose of facilitating temporary occupation and entry upon the designated portion of condemnee's land as is reasonably necessary to erect, construct, install, and lay the Mt. Aetna wastewater collection system over, across and through that portion of land containing approximately 2,516 square feet, as more fully described in Exhibit A-1 and shown in Exhibit B-1. The temporary easement shall terminate upon the completion of all such erection, construction, installation and other activities, and shall not entitle the Township to permanently occupy or use any portion of the condemnee's land encumbered only by the temporary easement.

- b. Howard A. Brossman and Lizzie Brossman, 599 Godfrey Street, Rehrersburg, PA 19550, Tax Parcel # 86-4421-00-03-2448:
 - i. the property being condemned is part of the premises of the condemnees which premises were acquired by deed dated January 7, 1953 and recorded with the Office of the Recorder of Deeds of Berks County, Pennsylvania, at Record Book 1122, Page 460.
 - ii. a permanent easement is condemned over the property of the condemnees for the following purposes:
 - A. to erect, construct, install, and lay, and thereafter use, operate, inspect, repair, maintain, replace and remove the Rehrersburg wastewater collection system, including but not limited to pipes, laterals, connections, mains, valves, manholes and other appurtenances, as the Township may from time to time require, over, across and through that portion of land containing approximately 28,407 square feet, as more fully described in Exhibit A-2 and shown in Exhibit B-2.
 - iii. a temporary easement is condemned over the property of the condemnees for the following purposes:
 - A. in that portion of the land of condemnees to be encumbered by a temporary easement, the Township and its servants, agents, employees, contractors and subcontractors shall have the right to enter upon and occupy such premises during the construction and installation phase of the Rehrersburg wastewater collection system. The temporary easement granted herein is for the sole purpose of facilitating temporary occupation and entry upon the designated portion of condemnees' land as is reasonably necessary to erect,

construct, install, and lay the Rehrersburg wastewater collection system over, across and through that portion of land containing approximately 7,349 square feet, as more fully described in Exhibit A-2 and shown in Exhibit B-2. The temporary easement shall terminate upon the completion of all such erection, construction, installation and other activities, and shall not entitle the Township to permanently occupy or use any portion of the condemnees' land encumbered only by the temporary easement.

iv. a temporary easement is condemned over the property of the condemnees for the following purposes:

A. in that portion of the land of condemnees to be encumbered by a temporary easement, the Township and its servants, agents, employees, contractors and subcontractors shall have the right to enter upon and occupy such premises during the construction and installation phase of the Rehrersburg wastewater collection system. The temporary easement granted herein is for the sole purpose of facilitating temporary occupation and entry upon the designated portion of condemnees' land as is reasonably necessary to erect, construct, install, and lay the Rehrersburg wastewater collection system over, across and through that portion of land containing approximately 5,646 square feet, as more fully described in Exhibit A-2 and shown in Exhibit B-2. The temporary easement shall terminate upon the completion of all such erection, construction, installation and other activities, and shall not entitle the Township to permanently occupy or use any portion of the condemnees' land encumbered only by the temporary easement.

c. Frank Cronkhite and Amy Cronkhite, 473 Godfrey Street, Rehrersburg, PA 19550, Tax Parcel # 86-4411-16-93-3088:

i. the property being condemned is part of the premises of the condemnees which premises were acquired by deed dated September 14, 2000 and recorded with the Office of the Recorder of Deeds of Berks County, Pennsylvania, at Record Book 3242, Page 441.

ii. a permanent easement is condemned over the property of the condemnees for the following purposes:

A. to erect, construct, install, and lay, and thereafter use, operate, inspect, repair, maintain, replace and remove the Rehrersburg wastewater collection system, including but not limited to pipes, laterals, connections, mains, valves, manholes and other appurtenances, as the Township may from time to time

require, over, across and through that portion of land containing approximately 1,229 square feet, as more fully described in Exhibit A-3 and shown in Exhibit B-3.

iii. a temporary easement is condemned over the property of the condemnees for the following purposes:

A. in that portion of the land of condemnees to be encumbered by a temporary easement, the Township and its servants, agents, employees, contractors and subcontractors shall have the right to enter upon and occupy such premises during the construction and installation phase of the Rehrersburg wastewater collection system. The temporary easement granted herein is for the sole purpose of facilitating temporary occupation and entry upon the designated portion of condemnees' land as is reasonably necessary to erect, construct, install, and lay the Rehrersburg wastewater collection system over, across and through that portion of land containing approximately 668 square feet, as more fully described in Exhibit A-3 and shown in Exhibit B-3. The temporary easement shall terminate upon the completion of all such erection, construction, installation and other activities, and shall not entitle the Township to permanently occupy or use any portion of the condemnees' land encumbered only by the temporary easement.

d. Dennis Lehman and Joyce A. Weaver, of 562 Stouchsburg Road, Myerstown, PA 17067, Kevin L. Stechman and Carolyn Sue Stechman, of 7675 Lancaster Avenue, Myerstown, PA 17067, Albert C. Wagner and Norreen A. Wagner, of P.O. Box 224, Mt. Aetna, PA 19544, and Ronald S. Merkel and Deann C. Merkel, of P.O. Box 105, Mt. Aetna, PA 19544, a private road known as Goose Run Road, in the village of Mt. Aetna, Tax Parcel # 86-4400-00-50-1667.

i. the property being condemned is part of a fifty (50) feet private road right-of-way known as Goose Run Road, owned in equal shares by the condemnees and acquired by the condemnees as follows:

A. Dennis Lehman and Joyce A. Weaver, by deed dated February 5, 2003 and recorded with the Office of the Recorder of Deeds of Berks County, Pennsylvania, at Record Book 3689, Page 1562;

B. Kevin L. Stechman and Carolyn Sue Stechman, by deed dated September 30, 1992 and recorded with the Office of the Recorder of Deeds of Berks County, Pennsylvania, at Record Book 2351, Page 975;

C. Albert C. Wagner and Norreen A. Wagner, by deed dated June 16, 1994 and recorded with the Office of the Recorder of Deeds of Berks County, Pennsylvania, at Record Book 2552, Page 86;

D. Ronald S. Merkel and Deann C. Merkel, by deed dated January 11, 1994 and recorded with the Office of the Recorder of Deeds of Berks County, Pennsylvania, at Record Book 2501, Page 2157;

ii. a permanent easement is condemned over the property of the condemnees for the following purposes:

A. to erect, construct, install, and lay, and thereafter use, operate, inspect, repair, maintain, replace and remove the Mt. Aetna wastewater collection system, including but not limited to pipes, laterals, connections, mains, valves, manholes and other appurtenances, as the Township may from time to time require, over, across and through that portion of land containing approximately 19,913 square feet, as more fully described in Exhibit A-4 and shown in Exhibit B-4.

iii. a temporary easement is condemned over the property of the condemnees for the following purposes:

A. in that portion of the land of condemnees to be encumbered by a temporary easement, the Township and its servants, agents, employees, contractors and subcontractors shall have the right to enter upon and occupy such premises during the construction and installation phase of the Mt. Aetna wastewater collection system. The temporary easement granted herein is for the sole purpose of facilitating temporary occupation and entry upon the designated portion of condemnees' land as is reasonably necessary to erect, construct, install, and lay the Mt. Aetna wastewater collection system over, across and through that portion of land containing approximately 9,213 square feet, as more fully described in Exhibit A-4 and shown in Exhibit B-4. The temporary easement shall terminate upon the completion of all such erection, construction, installation and other activities, and shall not entitle the Township to permanently occupy or use any portion of the condemnees' land encumbered only by the temporary easement.

3. The Township Solicitor and the Project Engineer for the Township's wastewater collection system are hereby authorized and instructed to prepare such documents and plans as may be required to effect the condemnation.

4. Any resolutions or parts thereof which are inconsistent with this Resolution are hereby repealed.

ADOPTED AS A RESOLUTION of the Board of Supervisors of Tulpehocken Township, Berks County, Pennsylvania, this 28th day of June, 2005.

BOARD OF SUPERVISORS OF
TULPEHOCKEN TOWNSHIP, BERKS
COUNTY, PENNSYLVANIA

By: Ronald S. Witty
Chairman

ATTEST:

Judith A. Bashore
Secretary

EXHIBIT A-1

EXHIBIT A-2

EXHIBIT A-3

EXHIBIT A-4

EXHIBIT B-2

EXHIBIT B-3

EXHIBIT B-4