

**RESOLUTION NO. 2005-9**

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF  
TULPEHOCKEN TOWNSHIP, BERKS COUNTY, PENNSYLVANIA  
AMENDING RESOLUTION NO. 2005-8, AND AUTHORIZING THE  
CONDEMNATION OF ADDITIONAL PROPERTY 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, by Resolution No. 2005-8 dated June 28, 2005, appropriated and condemned certain real estate located in Tulpehocken Township, Berks County, Pennsylvania, pursuant to the Pennsylvania Eminent Domain Code ("Code"), 26 P.S. § 1-101, et seq., as amended.

2. The Township hereby appropriates and condemns certain additional real estate located in Tulpehocken Township, Berks County, Pennsylvania, pursuant to the Code.

3. The additional condemnees and property being condemned is as follows:

a. Gerald G. Lehman and Diane W. Lehman, 6 Goose Run Road, Tulpehocken Township, Berks County, Pennsylvania, Tax Parcel # 86-4400-00-50-5087:

i. the property being condemned is part of the premises of the condemnees which premises were acquired by deed dated May 12, 2004 and recorded with the Office of the Recorder of Deeds of Berks County, Pennsylvania, at Record Book 4065, Page 614.

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 4,102 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 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 1,357 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 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 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 888 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 condemnees' land encumbered only by the temporary easement.

4. 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.

ADOPTED AS A RESOLUTION of the Board of Supervisors of Tulpehocken Township, Berks County, Pennsylvania, this 20<sup>th</sup> day of July, 2005.

BOARD OF SUPERVISORS OF  
TULPEHOCKEN TOWNSHIP, BERKS  
COUNTY, PENNSYLVANIA

By: Ronald S. White  
Chairman

ATTEST:

Judy A. Bashore  
Secretary

Permanent Sewer Easement Over the Lands of Gerald G. and Diane W. Lehman  
Tulpehocken Township  
Berks County, PA

**PROPOSED PERMANENT EASEMENT TO BE CONVEYED TO  
TULPEHOCKEN TOWNSHIP**

All that certain tract of land situate in Tulpehocken Township, Berks County, Pennsylvania, more specifically bounded and described as follows, to wit:

**BEGINNING** at point along lands of now or formerly Gerald G. Lehman and Diane W. Lehman and Ronald Barshinger, point being along the right-of-way line of Lancaster Avenue, the following eight courses and distances: (1) N.10-57-02 W., a distance of 25.31 feet; (2) N.77-06-39 E., a distance of 163.43 feet; (3) N.11-55-49 W., a distance of 19.16 feet; (4) N.79-02-58 E. a distance of 20.00 feet; (5) S.11-55-49 E., a distance of 38.49 feet; (6) S.77-06-39 W., a distance of 173.77 feet; (7) S.04-49-16 E., a distance of 5.67 feet; (8) S.79-02-58 W., a distance of 9.40 feet; to the place of beginning.

**CONTAINING** a total acreage of 4,102 sq.ft. or 0.094 acres.

**DESCRIPTION** herein is based upon a design plans submitted by Brinjac Engineering, INC.

Temporary Sewer Easement Over the Lands of Gerald G. & Diane W. Lehman  
Tulpehocken Township  
Berks County, PA

**PROPOSED TEMPORARY EASEMENT TO BE CONVEYED TO  
TULPEHOCKEN TOWNSHIP**

All that certain tract of land situate in Tulpehocken Township, Berks County, Pennsylvania, more specifically bounded and described as follows, to wit:

**EASEMENT #1**

**BEGINNING** at point on the line of lands of Ronald Barshinger, said point being 9.40 feet east of the eastern right-of-way line of Lancaster Avenue; the following nine courses and distances describes the temporary easement on lands of Gerald and Diane Lehman: (1.) N.04-49-16 W., a distance of 5.67 feet; (2.) N.77-06-39 E., a distance of 173.77 feet; (3.) N.11-55-49 W., a distance of 38.49 feet; (4.) N.79-02-58 E., a distance of 1.99 feet; (5.) N.10-57-02 W., a distance of 176.33 feet; (6.) S.11-55-49 E., a distance of 219.67 feet; (7.) S.77-06-39 W., a distance of 174.34 feet; (8.) S.04-49-16 E., a distance of 0.79 feet; (9.) S.79-02-58 W., a distance of 5.03 feet; to the place of beginning.

**CONTAINING** a total acreage of 1357 sq.ft. or 0.031 acres.

**DESCRIPTION** herein is based upon a design plans submitted by Brinjac Engineering, INC.

Temporary Sewer Easement Over the Lands of Gerald G. & Diane W. Lehman  
Tulpehocken Township  
Berks County, PA

**PROPOSED TEMPORARY EASEMENT TO BE CONVEYED TO  
TULPEHOCKEN TOWNSHIP**

All that certain tract of land situate in Tulpehocken Township, Berks County, Pennsylvania, more specifically bounded and described as follows, to wit:

**EASEMENT #2**

**BEGINNING** at point on the eastern right-of-way line of Lancaster Avenue, said point being 25.31 feet north of lands now or formerly of Ronald Barshing; the following six courses and distances describes the temporary easement on lands of Gerald and Diane Lehman: (1.) N.10-57-02 W., a distance of 5.00 feet; (2.) N.77-06-39 E., a distance of 158.35 feet; (3.) N.11-55-49 W., a distance of 14.33 feet; (4.) N.79-02-58 E., a distance of 5.00 feet; (5.) S.11-55-49 E., a distance of 19.16 feet; (6.) S.77-06-39 W., a distance of 163.43 feet; to the place of beginning.

**CONTAINING** a total acreage of 888 sq.ft. or 0.020 acres.

**DESCRIPTION** herein is based upon a design plans submitted by Brinjac Engineering, INC.

EXHIBIT A-1

EXHIBIT B-1



NOTES:

1. ALL EASEMENTS BOTH PERMANENT AND TEMPORARY ARE DESCRIBED BASED ON THE DESIGN PLANS SUBMITTED BY BRINJAC ENGINEERING, INC.

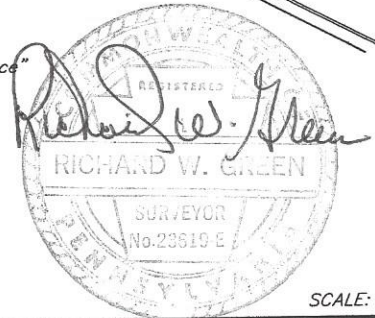
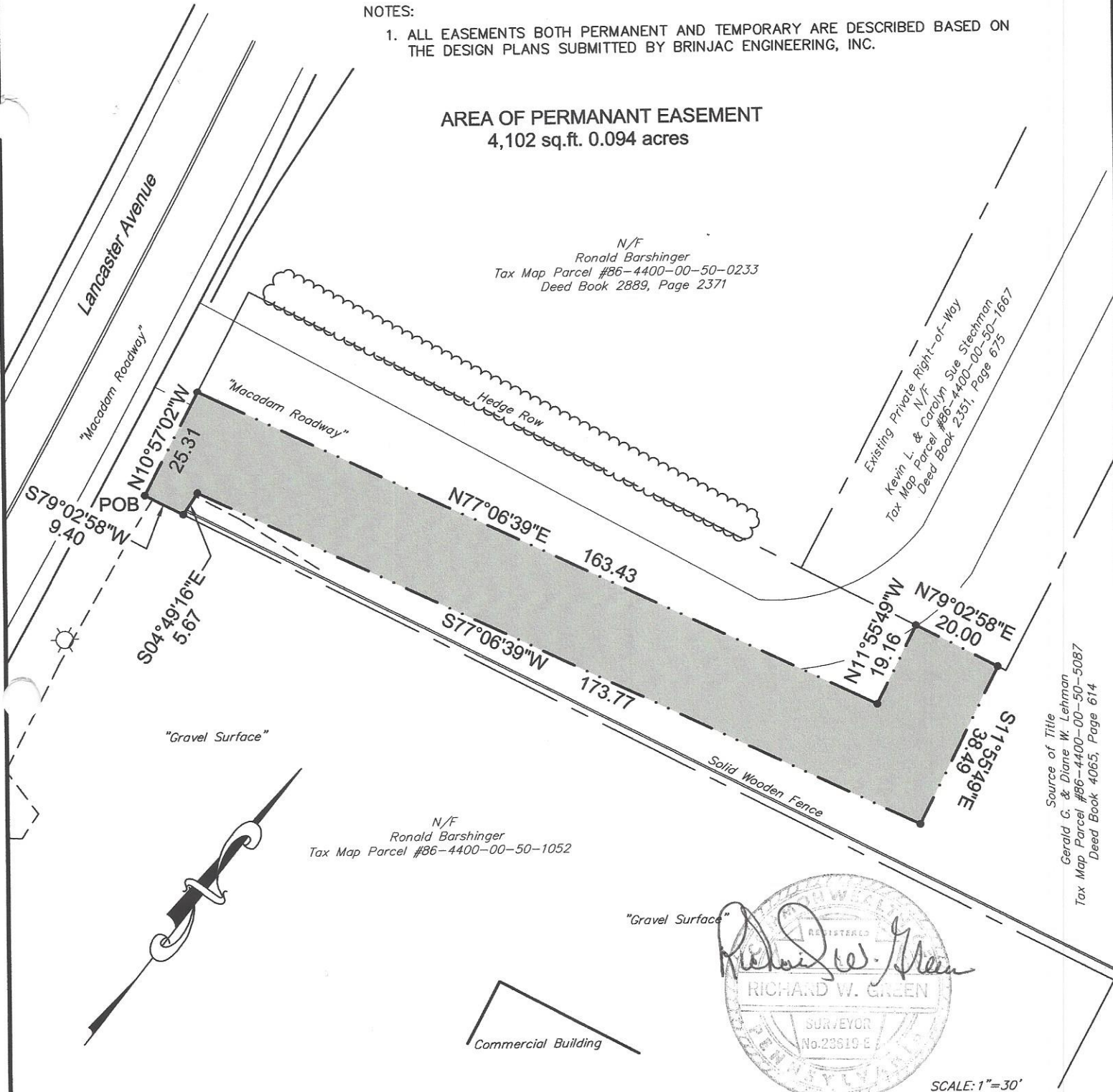
AREA OF PERMANANT EASEMENT  
4,102 sq.ft. 0.094 acres

N/F  
Ronald Barshinger  
Tax Map Parcel #86-4400-00-50-0233  
Deed Book 2889, Page 2371

Existing Private Right-of-Way  
N/F  
Kevin L. & Carolyn Sue Stechman  
Tax Map Parcel #86-4400-00-50-1667  
Deed Book 2351, Page 675

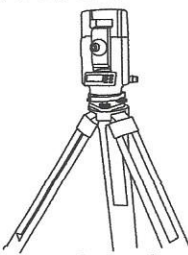
N/F  
Ronald Barshinger  
Tax Map Parcel #86-4400-00-50-1052

Source of Title  
Gerald G. & Diane W. Lehman  
Tax Map Parcel #86-4400-00-50-5087  
Deed Book 4065, Page 614



SCALE: 1"=30'

**BURGET & ASSOCIATES, INC.**



"Mapping and Surveying Services"

1797 N.B. Road New Bloomfield Pennsylvania 17068  
Phone: 717-582-7011 Fax: 717-582-3557

**PROPERTY PLAT FOR A  
PERMANANT SEWER EASEMENT  
OVER PRIVATE GERALD  
AND DIANE LEHMAN**

Tulpehockin Township Berks County, Pa.

**REVISIONS**

DRAWN BY: **J.A.B.**

CHECKED BY: **R.W.G.**

JOB NO.: **04120**

DATE: **07-18-05**

DRAWING NO.: **04120-015**

SHEET **1** OF **1**

AREA OF TEMPORARY EASEMENT #1  
1,357 sq.ft. 0.031 acres

AREA OF TEMPORARY EASEMENT #2  
888 sq.ft. 0.020 acres

NOTES:

- ALL EASEMENTS BOTH PERMANENT AND TEMPORARY ARE DESCRIBED BASED ON THE DESIGN PLANS SUBMITTED BY BRINJAC ENGINEERING, INC.

LINE	BEARING	LENGTH
L1	N79°02'58"E	5.00
L2	S11°55'49"E	19.16
L3	S77°06'39"W	163.43
L4	N10°57'02"W	5.00
L5	N77°06'39"E	158.35
L6	N11°55'49"W	14.33
L7	N04°49'16"W	5.67
L8	N77°06'39"E	173.77
L9	N11°55'49"W	38.49
L10	N79°02'58"E	1.99
L11	N10°57'02"W	176.33
L12	S11°55'49"E	219.67
L13	S77°06'39"W	174.34
L14	S04°49'16"E	0.79
L15	S79°02'58"W	5.03



Existing Private Right-of-Way  
N/F  
Kevin L. & Carolyn Sue Stechman  
Tax Map Parcel #86-4400-00-50-1667  
Deed Book 2351, Page 675

N/F  
Ronald Barshinger  
Tax Map Parcel #86-4400-00-50-0233  
Deed Book 2889, Page 2371

Source of Title  
Gerald G. & Diane W. Lehman  
Tax Map Parcel #86-4400-00-50-5087  
Deed Book 4065, Page 614

N/F  
Ronald Barshinger  
Tax Map Parcel #86-4400-00-50-1052

Lancaster Avenue

"Macadam Roadway"

"Macadam Roadway"

Hedge Row

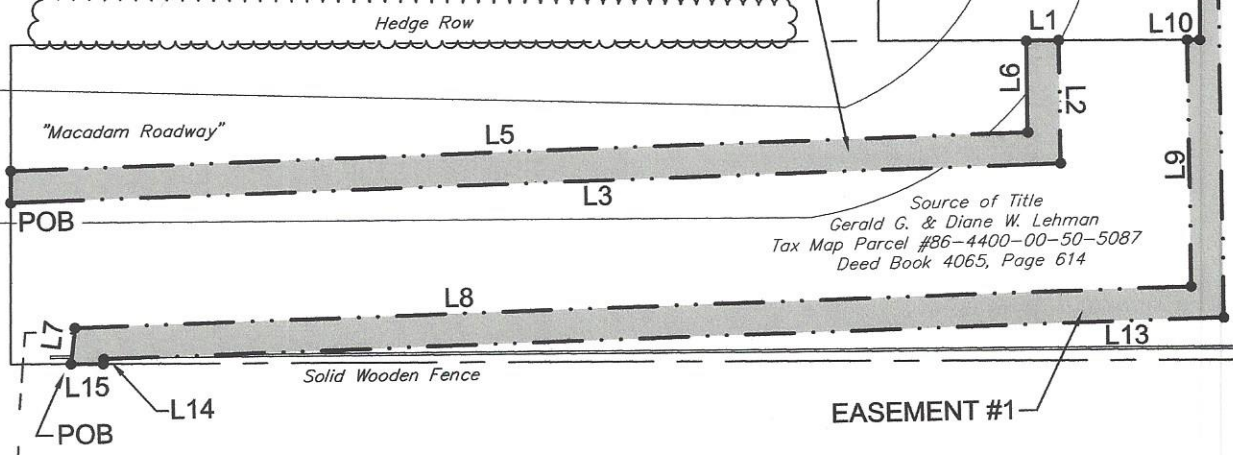
Solid Wooden Fence

"Gravel Surface"

"Gravel Surface"

EASEMENT #2

EASEMENT #1



Commercial Building