

RESOLUTION NO. 975
PENN TOWNSHIP

**A RESOLUTION OF THE BOARD OF COMMISSIONERS OF PENN TOWNSHIP
AUTHORIZING THE CONDEMNATION OF CERTAIN PARCELS OF REAL ESTATE
LOCATED WITHIN PENN TOWNSHIP FOR THE PURPOSE OF OBTAINING
PERMANENT SANITARY SEWER EASEMENTS AND TEMPORARY
CONSTRUCTION EASEMENTS.**

RECITALS

A. 53 P.S. § 56901 of the First Class Township Code authorizes Penn Township (“Township”) to exercise eminent domain powers for the taking of property.

B. 53 P.S. § 57402 of the First Class Township Code authorizes the taking of easements for sanitary sewer projects and facilities.

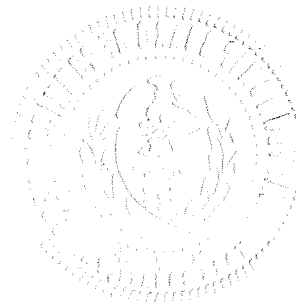
C. 26 Pa. C.S. § 101, *et seq.* commonly known as the Eminent Domain Code, details the procedures for the Township to take property.

D. 26 Pa. C.S. § 302 of the Eminent Domain Code requires a specific reference in the declaration of taking to the action, whether by ordinance, resolution or otherwise, by which the declaration of taking was authorized.

E. The Township desires to condemn and take a portion of said properties situated in Penn Township, York County, PA, being identified as Tax Parcel Nos. 44-000-ED-0090.00-00000 and 44-000-ED-0084.00-00000 (collectively, the “Properties”). Such takings are detailed on the plans and legal descriptions attached hereto and made a part hereof as Exhibits “A” and “B”.

F. The Board of Assessment information indicates the following ownership of the Properties:

44-000-ED-0090.0000000
M. Ann Rinker
R. James Rinker
870 Hershey Heights Road
Hanover, PA 17331



44-000-ED-0084.00-00000
Joald D. Hoff
Donann G. Rider
Shawn D. Hoff
888 Hershey Heights Road
Hanover, PA 17331

G. The Township desires to acquire a portion of the Properties for the purposes of obtaining permanent sanitary sewer easements, and/ or temporary construction easements in conjunction with the construction of a sanitary sewer line, and related appurtenances, to be constructed by the Township. The easements for the taking are fully detailed in Exhibits "A" and "B".

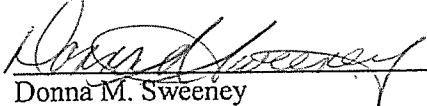
H. The Township will acquire title to the subject Properties as easements.

NOW, THEREFORE, BE IT RESOLVED, and it is hereby resolved by the Board of the Township as follows:

1. The Recitals are incorporated herein as if set forth in full.
2. The Township hereby authorizes the condemnation and taking of a portion of the Properties as detailed in Exhibits "A" and "B".
3. The Board of the Township hereby authorizes the preparation by its staff, engineer, and/ or other consultants of the such documentation as is necessary to provide the complete description of the Properties for the condemnation paperwork, to conduct any surveys related thereto, or to take such other actions as are necessary to effectuate the condemnation of the Properties.
4. The Board of the Township hereby authorizes its solicitor to file all necessary documents, including, but not limited to, a Declaration of Taking, and to take those actions which are necessary to acquire the Properties for the aforesaid purpose.
5. The Board of the Township authorizes its relevant members to execute those documents which are necessary to give effect to this Resolution and the actions contemplated by it.

RESOLVED AND ADOPTED, this SIXTEENTH day of AUGUST, 2021.

Attest:


Donna M. Sweeney
Secretary

PENN TOWNSHIP

By:

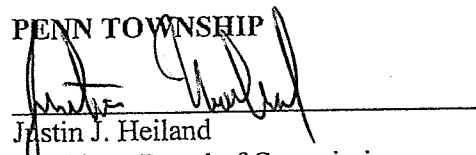

Justin J. Heiland
President, Board of Commissioners

Exhibit "A"
Easement Legal Descriptions

**LEGAL DESCRIPTION
SANITARY SEWER EASEMENT
M. ANN RINKER
870 HERSHEY HEIGHTS ROAD
TO
PENN TOWNSHIP**

All that certain strip of land to be used as a permanent sanitary sewer easement, being situated within a 50 foot wide strip of land known as Hershey Heights Road, in Penn Township, York County, Pennsylvania, said strip of land being more particularly bounded and described as follows:

Beginning at a point on the northern right-of-way line of Hershey Heights Road, said point being 8.4 feet east of the grantors southeast corner and the western line of a 50 foot wide strip of land known as Hershey Heights Road; thence through a 50 foot wide strip of land the five following courses and distances: 1) North 06 degrees 42 minutes 11 seconds West a distance of 142.93 feet to a point; 2) North 17 degrees 56 minutes 30 seconds West a distance of 267.93 feet to a point; 3) North 77 degrees 28 minutes 49 seconds East a distance of 2.53 feet to a point; 4) South 20 degrees 23 minutes 22 seconds East a distance of 306.98 feet to a point; 5) South 03 degrees 26 minutes 36 seconds East a distance of 113.15 feet to a point on the northern right-of-way line of Hershey Heights Road; thence along the northern right-of-way line of Hershey Heights Road, along a curve to the left, having a radius of 416.50 feet, an arc distance of 17.31 feet, and a chord bearing North 79 degrees 02 minutes 57 seconds West a chord distance of 17.31 feet; the point of beginning.

Area of Sanitary Sewer Easement – 5,066 Sq. Ft.

Note: A temporary construction easement exists along the western side of the above described easement, as shown on a "Plan Of Sanitary Sewer Easement M. Ann Rinker – 870 Hershey Heights Road To Be Acquired By Penn Township", prepared by Kaylor, Allwein & Hartman, Inc., Drawing No. 17011-1-004, attached hereto and made a part of this description.

**LEGAL DESCRIPTION
SANITARY SEWER EASEMENT
DONALD M. & JOANNE L. HOFF
888 HERSHEY HEIGHTS ROAD
TO
PENN TOWNSHIP**

All that certain strip of land to be used as a permanent sanitary sewer easement, being situated within a 50 foot wide strip of land known as Hershey Heights Road, in Penn Township, York County, Pennsylvania, said strip of land being more particularly bounded and described as follows:

Beginning at the southwest corner of lands of the grantor, said point being on line of lands of Tracey Sue Harris and a point on the eastern line of a 50 foot wide street known as Hershey Heights Road; thence through said 50 foot wide strip of land known as Hershey Heights Road the three following courses and distances: 1) South 69 degrees 59 minutes 03 seconds West a distance of 14.40 feet to a point; 2) North 11 degrees 46 minutes 21 seconds East a distance of 25.45 feet to a point; 3) North 72 degrees 03 minutes 30 seconds East a distance of 0.59 feet to a point, said point being on line of lands of the grantor; thence along lands of the grantor, South 21 degrees 04 minutes 12 seconds East a distance of 21.62 feet to the point of beginning.

Area of Sanitary Sewer Easement – 162 Sq. Ft.

Note: Temporary construction easements exist along the eastern and western sides of the above described easement, as shown on a "Plan Of Sanitary Sewer Easement- Donald M. & Joanne L. Hoff – 888 Hershey Heights Road To Be Acquired By Penn Township", prepared by Kaylor, Allwein & Hartman, Inc., Drawing No. 17011-1-06, attached hereto and made a part of this description.

Exhibit "B"
Easement Plans

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	416.50'	17.31'	17.31'	N 79°02'57" W

LINE	BEARING	DISTANCE
L1	N 06°42'11" W	142.93'
L2	N 17°56'30" W	267.93'
L3	N 77°28'49" E	2.53'
L4	S 20°23'22" E	306.98'
L5	S 03°26'36" E	113.15'



PA SOUTH ZONE GRID

R. JAMES RINKER
DEED BOOK 90-J, PAGE 794 TRACT NO. 1

DEED LINE

TEMPORARY
CONSTRUCTION EASEMENT

NEW SANITARY SEWER LINE

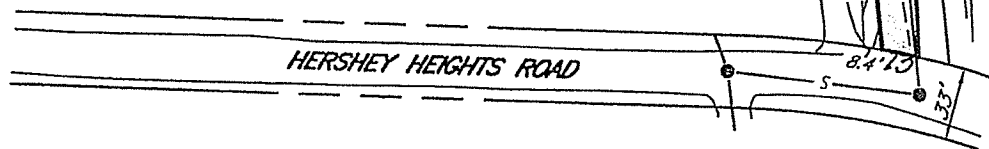


50' WIDE STREET
(PER DEED)

M. ANN RINKER
DEED BOOK 1702, PAGE 2163
LOT 1 - PLAN BOOK 55, PAGE 226
TAX PARCEL #44000ED0090000000

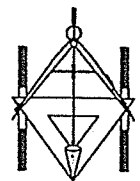
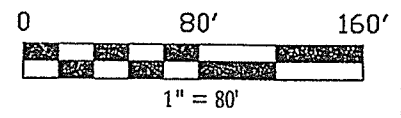
SANITARY SEWER EASEMENT

AREA OF SANITARY SEWER EASEMENT = 5,066 SQ. FT.



NOTE:

THIS PLAN HAS BEEN PREPARED FOR EASEMENT ACQUISITION ONLY AND SHALL NOT BE CONSTRUED AS A PROPERTY LINE SURVEY. PROPERTY LINES REPRESENTED HEREON ARE FROM DEED DESCRIPTIONS AND REFLECT ANY INACCURACIES THEREIN.



**KAYLOR, ALLWEIN
& HARTMAN, INC.**

1529 EAST CHOCOLATE AVENUE
HERSHEY, PA 17033
WWW.KAH-SURVEY.COM

PLAN OF SANITARY SEWER EASEMENT

M. ANN RINKER
870 HERSHEY HEIGHTS ROAD

TO BE ACQUIRED BY
PENN TOWNSHIP

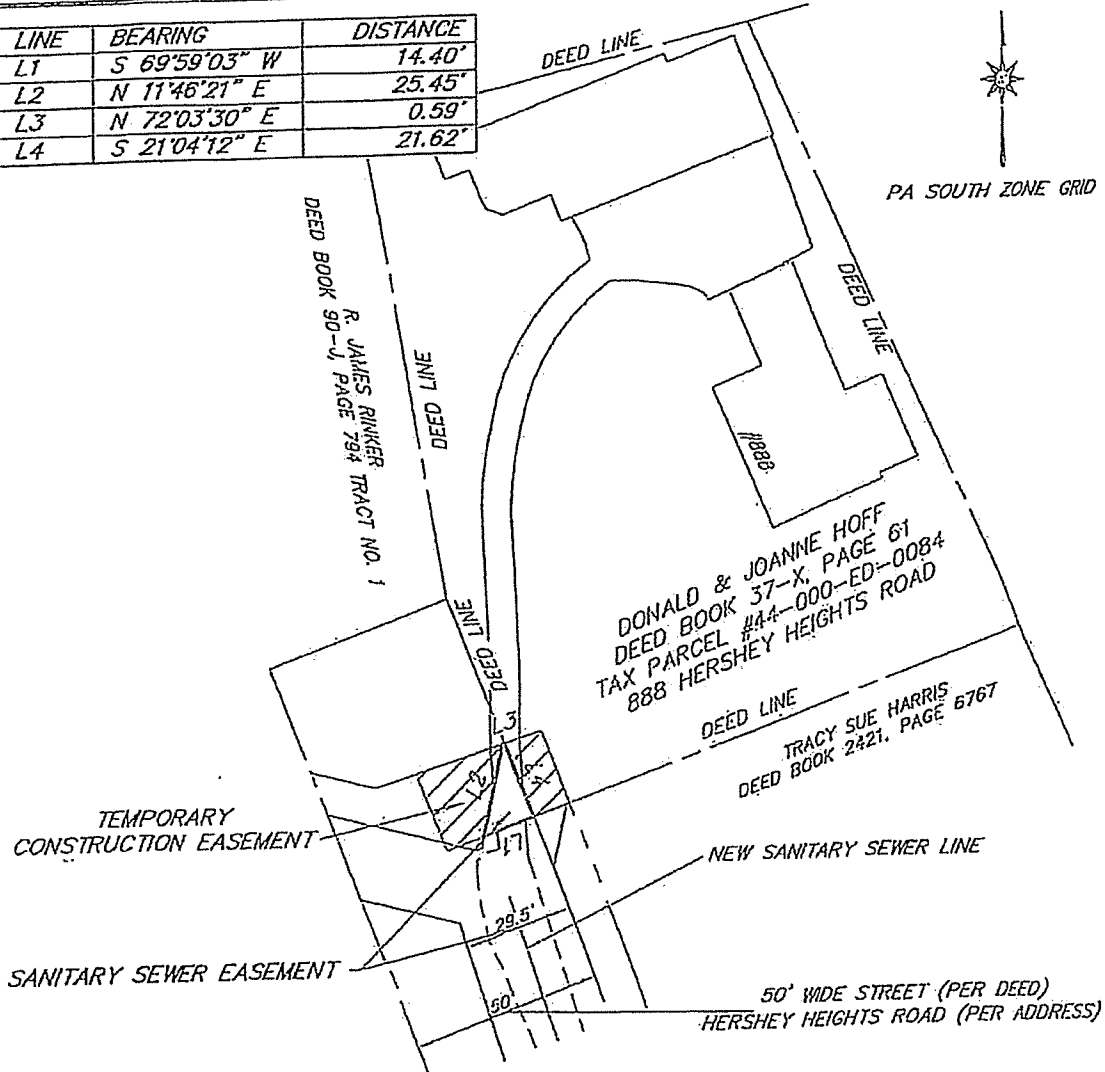
PENN TOWNSHIP

YORK COUNTY

PENNSYLVANIA

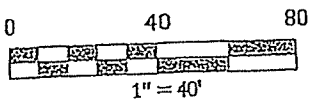
SCALE: 1" = 80'	DRAWN BY: J.P.H.	CHECKED BY: J.E.H.	DATE: 2-03-20	DRAWING NO. 17011-1-004
--------------------	---------------------	-----------------------	------------------	----------------------------

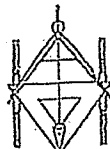
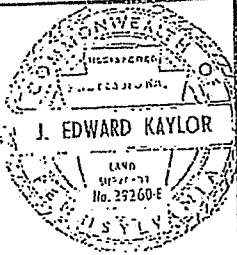
LINE	BEARING	DISTANCE
L1	S 69°59'03" W	14.40'
L2	N 11°46'21" E	25.45'
L3	N 72°03'30" E	0.59'
L4	S 21°04'12" E	21.62'



AREA OF SANITARY SEWER EASEMENT - 162 SQ. FT.

NOTE:
 THIS PLAN HAS BEEN PREPARED FOR EASEMENT ACQUISITION ONLY AND SHALL NOT BE CONSTRUED AS A PROPERTY LINE SURVEY. PROPERTY LINES REPRESENTED HEREON ARE FROM DEED DESCRIPTIONS AND REFLECT ANY INACCURAGIES THEREIN.



 KAYLOR, ALLWEIN & HARTMAN, INC. 1529 EAST CHOCOLATE AVENUE HERSHEY, PA 17033 WWW.KAH.SURVEY.COM	PLAN OF SANITARY SEWER EASEMENT DONALD M. & JOANNE L. HOFF 888 HERSHEY HEIGHTS ROAD TO BE ACQUIRED BY PENN TOWNSHIP PENN TOWNSHIP YORK COUNTY PENNSYLVANIA				
	SCALE: 1" = 40'	DRAWN BY: J.E.K.	CHECKED BY:	DATE: 2-25-19	