

ORDINANCE

AN ORDINANCE AUTHORIZING THE CITY OF COATESVILLE TO CONVEY AN EASEMENT ACROSS THE "CONTI TRACT" (TAX PARCEL 29-8-5.5) TO RACHEL WACHS FOR THE BENEFIT OF TAX PARCEL NO. 29-8-15 FOR FIVE THOUSAND (\$5,000.00) DOLLARS AS PREVIOUSLY APPROVED BY RESOLUTION DATED AUGUST 11, 2008

WHEREAS, the City of Coatesville is a Third Class City located in Chester County, Pennsylvania; and

WHEREAS, the City of Coatesville Charter at Section 2-301(g) thereof requires the City of Coatesville to pass an Ordinance to authorize, action including, inter alia, the "convey[ance] of...real property" ; and

WHEREAS, although the City by Resolution dated August 11, 2008 authorized the execution of an easement agreement across the Conti Tract, Tax Parcel No. 29-8-5.5 to benefit Rachel Wachs and Tax Parcel No. 29-8-15 to permit a small residential package sewage treatment plant on the Wachs Parcel which will discharge treated effluent to a stream on Tax Parcel 29-8-5.5; and

WHEREAS, Rachel Wachs wishes to have the easement agreement approved by Resolution executed and filed of Record and has further agreed to pay the consideration of \$5,000.00 as promised previously; and,

WHEREAS, in order to comply with a technical reading of its Charter (recognizing that the creation of an easement constitutes a conveyance of an interest in real property), the City of Coatesville enacts this Ordinance to confirm and approve the prior action taken by Resolution. .

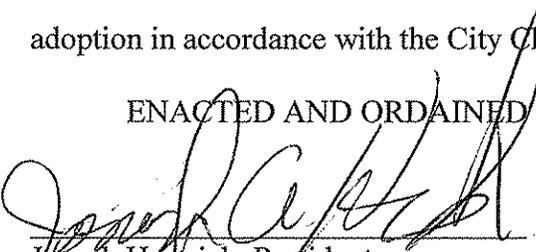
NOW THEREFORE, in consideration of the foregoing and other consideration, receipt of which is hereby acknowledged, the City of Coatesville does hereby authorize its Solicitor, City Manager, Assistant City Manager, or City Council President, or other authorized Agent, to execute any documents necessary to complete the Easement Agreement between the City and Rachel Wachs as previously approved by Resolution, upon receipt of \$5,000.00.

If any portion of the Ordinance shall be determined to be unconstitutional, illegal or unenforceable, then the portion and only that portion of this Ordinance, which is deemed to be unconstitutional, illegal or unenforceable shall be severed from the remainder of this Ordinance and all other terms thereof shall remain in full force and effect.

This Ordinance shall be effective thirty (30) days after publication following final

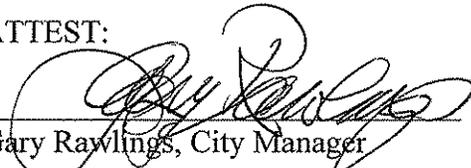
adoption in accordance with the City Charter and the Third-Class City Code.

ENACTED AND ORDAINED this 14th day of November, 2011.



Joseph Hamrick, President
City Council

ATTEST:



Gary Rawlings, City Manager

CERTIFICATION

I HEREBY CERTIFY that the foregoing Ordinance was introduced on the 10th day of October, 2011, and was duly enacted by the Council of the City of Coatesville, Chester County, Pennsylvania on the 14th day of November, 2011, that the vote upon the said Ordinance has been recorded in the Minutes of the City Council and that the Ordinance has been fully recorded.



Gary Rawlings, City Manager