

**ORDINANCE**

**AN ORDINANCE AUTHORIZING THE CITY OF COATESVILLE TO CONFIRM, AND RATIFY AND APPROVE ACCEPTANCE OF THE GRANT AND CONVEYANCE OF AN EASEMENT FROM THE REDEVELOPMENT AUTHORITY OF THE CITY OF COATESVILLE FOR THE "RIVER WALK" PROJECT AS PREVIOUSLY APPROVED BY RESOLUTION NUMBER 2009-14 DATED APRIL 27, 2009**

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

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

WHEREAS, although the City by Resolution dated April 27, 2009 approved the grant and conveyance of an easement and right-of-way to the City from the Redevelopment Authority of the City of Coatesville (hereinafter the "RDA"), the normal procedure as identified under the City Charter is the enactment of an Ordinance for this purpose (a copy of the Resolution and Easement Agreement are attached hereto as Exhibit "A"); and

WHEREAS, the Resolution authorizing the entry of an Easement Agreement between the City and the RDA for the benefit of a project known as the "River Walk" referred to property identified by several tax parcels including reference to tax parcel No. 16-5-17, which was at that time not owned by the RDA, but which is soon to be acquired or will have been acquired by the RDA by the time of passage of this Ordinance; and,

WHEREAS, the aforementioned Easement Agreement has apparently never been recorded in the Office of the Recorder of Deeds, in and for Chester County, Pennsylvania; and,

WHEREAS, the City wishes to have the Easement Agreement recorded and filed of Record which had previously been approved by Resolution of the City of Coatesville as referenced herein; and,

WHEREAS, the City and the RDA have taken action in reliance upon the execution of the Easement Agreement, and are not challenging and in fact recognize the existence and the enforceability thereof and do not challenge the procedures previously undertaken; and,

WHEREAS, in order to comply with a technical reading of its Charter (recognizing that the transfer of an easement constitutes a conveyance of an interest in real property), the City of

Coatesville enacts this Ordinance to confirm, ratify and approve the prior action taken by Resolution as referenced herein and to authorize all necessary action to effectuate the recordation of the Easement Agreement.

NOW THEREFORE, in consideration of the foregoing and other consideration, receipt of which is hereby acknowledged, the City of Coatesville does hereby confirm, ratify and approve the Resolution No. 2009-14 and authorizes its Solicitor, City Manager, Assistant City Manager, or City Council President, or other authorized Agent, to execute any documents necessary to complete, confirm, or re-establish the Easement Agreement between the City of Coatesville and the Redevelopment Authority of the City of Coatesville as previously approved by Resolution 2009-14 including, by way of example and not limitation, the recording of same and all acts necessary to give said Easement Agreement full force and effect.

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 27<sup>th</sup> day of February, 2012.



Edward Simpson, President  
City Council

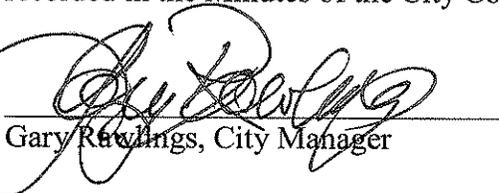
ATTEST:



Gary Rawlings, City Manager

#### CERTIFICATION

I HEREBY CERTIFY that the foregoing Ordinance was introduced on the 13<sup>th</sup> day of February, 2012, and was duly enacted by the Council of the City of Coatesville, Chester County, Pennsylvania on the 27<sup>th</sup> day of February, 2012, 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