

ORDINANCE

AN ORDINANCE AUTHORIZING THE CITY OF COATESVILLE TO ACQUIRE DEEDS OF DEDICATION OF RIGHT-OF-WAY AND TEMPORARY CONTRUCTION EASEMENTS FOR A HIGHWAY IMPROVEMENT PROJECT (REALIGNMENT OF FIRST AVENUE AT INTESECTION WITH LINCOLN HIGHWAY) IN THE CITY OF COATESVILLE FROM DEPG COATESVILLE ASSOCIATES, LP AND ISG RAILWAYS, INC., RESPECTIVELY

WHEREAS, the City of Coatesville (hereinafter the “City”) is a Third Class City located in Chester County, Pennsylvania operating under the Third Class City Code and the City’s Home Charter; and

WHEREAS, the City’s Charter at Section 2-301.G. thereof requires the City of Coatesville to pass an Ordinance to authorize, action including, inter alia, the “Purchase of...real property” ; and

WHEREAS, the City is acquiring certain interests in real property as part of a Highway Improvement Project (realignment of First Avenue at its intersection with Lincoln Highway) which requires that the City acquire certain Deeds of Dedication of Right of Way and Temporary Construction Easements; and

WHEREAS, the City has reached agreements to acquire by means of nominal consideration Deeds of Dedication of Right-of- Way from DEPG Coatesville Associates, L.P (with respect to portions of Tax Parcel Nos. 16-5-232 and 16-5-172) and Temporary Construction Easements from ISG Railways, Inc., (with respect to portions of Tax Parcel Nos. 16-5-19 and 16-5-227); and,

WHEREAS, in order to comply with a technical reading of its Charter (recognizing that an easement or right-of-way constitutes a conveyance of an interest in real property), the City enacts this Ordinance to authorize executing the documents as identified herein and to take further action to record and confirm the rights being granted to the City for this Highway Improvement Project.

NOW THEREFORE, in consideration of the foregoing, and other consideration the receipt of which is hereby acknowledged, the City of Coatesville does hereby authorize its City Manager or City Council President, or other authorized Agent, to execute the Deeds of Dedication of Right-of- Way from DEPG Coatesville Associates, L.P to the City (with respect to portions of Tax Parcel Nos. 16-5-232 and 16-5-172) and the Temporary Construction Easements from ISG Railways, Inc. to the City (with respect to portions of Tax Parcel Nos. 16-5-19 and 16-5-227) and to take any action necessary to have said documents recorded.

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.

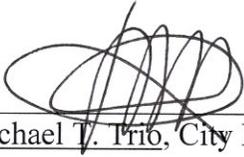
This Ordinance shall be effective thirty (30) days after publication following final adoption in accordance with the City Charter and the Third-Class City Code.

ENACTED AND ORDAINED this 23rd day of April, 2018.



Linda Lavender Norris, President
City Council

ATTEST:



Michael T. Trio, City Manager

CERTIFICATION

I HEREBY CERTIFY that the foregoing Ordinance was introduced on the 9th day of April, 2018, and was duly enacted by the Council of the City of Coatesville, Chester County, Pennsylvania on the 23rd day of April, 2018, 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.



Michael T. Trio, City Manager