

Resolution No. 2017-06

**A RESOLUTION OF THE COUNCIL OF THE CITY OF COATESVILLE,
CHESTER COUNTY, PENNSYLVANIA, OFFICIALLY AUTHORIZING
THE CONDEMNATION BY EMINENT DOMAIN TO ACQUIRE A
PORTION OF CERTAIN PROPERTY IDENTIFIED AS UPI # 16-5-140 IN
FEE SIMPLE TO ENABLE THE WIDENING OF THE RIGHT-OF-WAY
FOR CERTAIN ROAD IMPROVEMENTS ALONG EAST LINCOLN
HIGHWAY, ALL WITHIN THE CITY OF COATESVILLE**

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

WHEREAS, the City is undergoing infrastructure improvements within the City, which the City believes are consistent with the health, safety and welfare of the City and its residents, and which the City has determined are in the public interest and for the benefit of the public, and;

WHEREAS, these infrastructure improvements include the widening of the right-of-way for certain road improvements along East Lincoln Highway, in the vicinity of the intersection of Route 30 (Lancaster Pike) and Route 82, and;

WHEREAS, permanent and temporary acquisitions of right-of-way will be necessary for the construction of the infrastructure improvements along East Lincoln Highway, in the vicinity of the intersection of Route 30 (Lancaster Pike) and Route 82, specifically a portion of certain property owned by Charles E. and Donna L. Hunter, and as more specially described on Exhibit “A” which is attached hereto and incorporated herein, identified as UPI # 16-5-140, more commonly known as 19 N. 1st Street, within the City (“the Property”), and;

WHEREAS, Article I Section 10 of the Pennsylvania Constitution, Article X Section 4 of the Pennsylvania Constitution, the Pennsylvania Eminent Domain Code and Section 2801 of the Third Class City Code permits the City to acquire property, including a temporary

construction easement, by eminent domain, entering upon, appropriating, taking, using and occupying private lands and property for the purposes of laying out, opening, widening, extending, vacating, grading or changing the grades or lines of streets, and;

WHEREAS, Section 2-301 of the City Home Rule Charter requires that the exercise of the power of eminent domain and the purchase, or authorization to purchase, real property be exercised by ordinance, consistent with the procedures for enactment under Sections 2-304 to 2-308 of the City Home Rule Charter, and;

WHEREAS, on November 14, 2016, the City enacted “Ordinance No. 1479-2016 Authorizing the condemnation by eminent domain to acquire a portion of certain property identified as UPI# 16-5-140 in fee simple to enable the widening of the Right of Way for certain road improvements along East Lincoln Highway, all within the City of Coatesville”, and has complied all requirements of the Charter relating to the enactment, publication, recording and codification of the ordinance authorizing the exercise of eminent domain, and;

WHEREAS, the City may by eminent domain, pursuant to the City Home Rule Charter, the Eminent Domain Code 26 Pa. C.S.A. section 101 et seq., Section 2801 of the Third Class City Code, condemn and take, for City purposes, the Property following the enactment of an such ordinance as provided for under the City Home Rule Charter, which collectively sets forth the authority for such takings by the City for the purpose of the purposes of laying out, opening, widening, extending, vacating, grading or changing the grades or lines of streets, and;

WHEREAS, consistent with Ordinance No. 1479-2016, it is the intention of the City to proceed with this condemnation.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Coatesville, that as follows:

1. The City Solicitor, other City attorneys and all City Officers, Staff and Consultants are authorized and directed to proceed by means of filing a Declaration of Taking and necessary auxiliary documents to acquire pursuant to the power of eminent domain such right, title or interest, rights-of-way, and easements, in fee simple, and a temporary construction easement, on and under the lands of a portion of that certain real Property, as more specially described on Exhibit "A" which is attached hereto and incorporated herein, located in the City of Coatesville and by the Chester County Assessment Office identified as a portion of tax parcel number 16-5-140, more commonly known as 19 N. 1st Street, owned by Charles E. and Donna L. Hunter, husband and wife.

2. The President of City Council and the City Manager are hereby specifically authorized to execute in the name of the City and on its behalf said Declaration of taking and necessary ancillary documents.

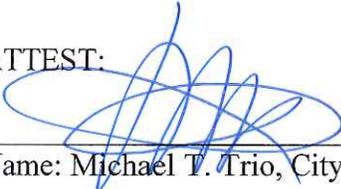
3 The City Solicitor, other City attorneys and all City Officers, Staff and Consultants are further authorized to take such action as may be necessary and appropriate and are further authorized to take such additional action, including negotiating with the owner; accepting deeds or easements in lieu of condemnation, making payment of estimated just compensation, if any, in such amounts as may be determined to be appropriate; and engaging such consultants, appraisers, engineers, and others as may be deemed necessary and appropriate to acquire the permanent acquisitions of right-of-way.

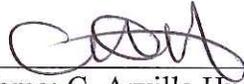
4. All prior actions of the City Solicitor, other City attorneys and all City Officers, Staff and Consultants with respect to the acquisition of the right-of-way for the road improvements that are the subject of this Resolution are hereby approved, confirmed and ratified

5. The City Solicitor, other City attorneys and all City Officers, Staff and Consultants shall comply with all legal requirements of the statutes and codes referenced herein and are hereby authorized to take such actions as are necessary and appropriate to implement this Resolution.

IN WITNESS THEREOF, the Council of the City of Coatesville has adopted and enacted this Resolution this 23rd day of January, 2017.

ATTEST:


Name: Michael T. Trio, City Manager


Name: C. Arvilla Hunt
Title: President, City Council

I HEREBY CERTIFY that the foregoing is a true and correct copy of the said Resolution duly adopted at a regular meeting of City Council held on January 23, 2017 and recorded in the minutes as such.


Name: Michael T. Trio
Title: City Manager