

**TOWNSHIP OF SOUTH FAYETTE  
ALLEGHENY COUNTY, PENNSYLVANIA**

**R E S O L U T I O N**

No. 9 of 2016

**A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF SOUTH FAYETTE, ALLEGHENY COUNTY, PENNSYLVANIA AUTHORIZING THE FILING OF A DECLARATION OF TAKING FOR PROPERTY LOCATED ALONG CHERRY STREET, BEING BLOCK AND LOTS 324-B-45, 324-B-46 AND 324-B-47, SOUTH FAYETTE TOWNSHIP, ALLEGHENY COUNTY, PENNSYLVANIA, FOR MORGAN PARK PARKING AS AUTHORIZED BY SECTION 1901 OF THE FIRST CLASS TOWNSHIP CODE ,53 P.S.§56901.**

**WHEREAS**, the Township of South Fayette is a First Class Township located in Allegheny County, Pennsylvania; and

**WHEREAS**, the Township requires additional property to properly administer its governmental function of providing public recreational facilities to the residents of South Fayette in an efficient and proper manner; and

**WHEREAS**, , the Township of South Fayette has identified property that is satisfactory as to size and location for additional parking associated with Morgan Park to assist with providing recreational facilities to Township's residents; and

**WHEREAS**, the Board of Commissioners of South Fayette have examined the property and find that the property meets the criteria specified in the Commonwealth of Pennsylvania Eminent Domain Code specifically set in 26 P.S.C.S.A.§§ 201 et seq.,as private property for public use; and

**WHEREAS**, THE Township is authorized to acquire private property for parks and recreational purposes pursuant to Section 1901 of the First Class Township Code, 53 P.S.§56901.

**NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF SOUTH FAYETTE AS FOLLOWS:**

**Section 1.** The Board of Commissioners of South Fayette Township pursuant to the power authorized by the Pennsylvania Eminent Domain Code, 26 P.S.C.S.A. §§ 201 et seq. and Section 1901 of the First Class Township Code, 53 P.S. § 56901, does hereby elect and resolve to take use and appropriate, and it does hereby take use and appropriate for the public purpose of providing additional parking for Morgan Park, the real estate, including improvements and fixtures situate within the Township of South Fayette, Allegheny County, Pennsylvania specifically described in Exhibit "A" attached hereto and made part hereof and Map attached hereto and made part hereof as Exhibit "B". .

**Section 2.** The Board of Commissioners of South Fayette Township intends to acquire the aforesaid described real estate including improvements and fixtures by a fee simple title therein including all the interests or interest,, whether the same be of fee simple or lesser estate of the record owner or owners therein, the price thereof not having been agreed upon between the aforesaid parties and the Township of South Fayette, which parcels of land are situate in the Township of South Fayette County of Allegheny and Commonwealth of Pennsylvania and described in "Exhibit A" attached hereto and made a part hereof and Map attached hereto and made part hereof as Exhibit "B".

**Section 3.** The Township Manager Ryan T. Eggleston of the Township of South Fayette is hereby authorized to proceed in the name of and on behalf of the Township of South Fayette to prosecute condemnation proceedings in the proper Court or Courts of Allegheny County Pennsylvania.

**Section 4.** The said Township Manager is hereby authorized in the name and on behalf of the Township of South Fayette to:


- a. To file with the Court of Common Pleas Declaration of Taking as provided by law

and to execute and deliver from time to time on behalf of the Township of south Fayette as principal obligor, bonds or other appropriate forms of security to the owner and tenants, if any, of the property in the above referenced parcels of land, payment to them for such amounts of damages as the parties shall be entitled to receive as the result of the aforesaid taking and appropriation, the signiture the Township Manager and the seal of the Township of South Fayette to be attested by the Secretary of the Township of South Fayette;

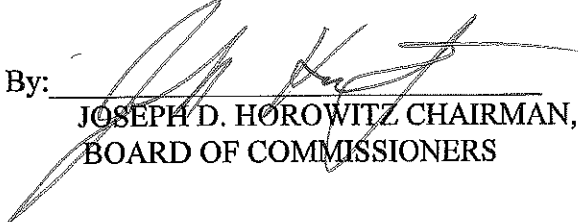
- b. To tender security to the owner or owners thereof as provided by law, including the Payment of the Township's estimate of damages;
- c. To make application to the Court of Common Pleas of Allegheny County to have the value of the Property and the damages suffered by the condemnation legally ascertained in the manner provided by law;
- d. To give the owners, tenants and occupants thereby notice to remove in the manner Provided by law;
- e. To take all other necessary steps to enable the Township of South Fayette to acquire title to and to enter into immediate possession of the parcels of land herein above described; and
- f. To continue to negotiate with the Property owner or owners a fair and reasonable Price for the fee simple purchase of the aforesaid described land in lieu of the above authorized condemnation proceedings until aforesaid action is confirmed by the Court of Common Pleas of Allegheny County, Pennsylvania.

RESOLVED AND ENACTED this 11th day of May, 2016, by the Board of Commissioners of the Township of South Fayette, in this lawful session regularly assembled.

ATTEST:

  
\_\_\_\_\_  
Ryan T. Eggleston, Secretary

TOWNSHIP OF SOUTH FAYETTE

By:   
\_\_\_\_\_  
JOSEPH D. HOROWITZ CHAIRMAN,  
BOARD OF COMMISSIONERS

ALL that certain lot or piece of ground situate in the Township of South Fayette, County of Allegheny and Commonwealth of Pennsylvania, being the southerly portion of LOT NO. 103 in the MORGAN MANOR PLAN OF LOTS, as recorded in the Recorder's Office of Allegheny County, Pennsylvania, in Plan Book Volume 40, Pages 9-14, said lot being bounded and described as follows, to-wit:

BEGINNING at a point on the northerly side of Cherry Street at the dividing line between Lots Nos. 102 and 103 in said Plan; thence by said dividing line North 3° 50' East 82.02 feet to a point; thence through Lot No. 103 North 82° 04' East 91.22 feet to a point on the westerly side of Sherman Street in said plan; thence by Sherman Street South 8° 37' 46" East 68.94 feet to an iron pipe; thence by a curve to the right having a radius of 10 feet an arc distance of 15.71 feet to a point on the northerly side of Cherry Street aforesaid and thence by said Cherry Street South 81° 20' West 98.99 feet to the iron pin at the place of beginning.

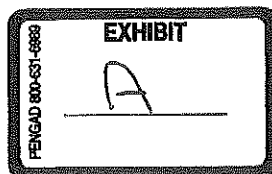
BLOCK AND LOT 324-B-45.

AND

ALL that certain lot or parcel of ground situate in the Township of South Fayette, County of Allegheny and Commonwealth of Pennsylvania, being the northerly portion of Lot numbered ONE HUNDRED THREE (103) in the Morgan Plan of Lots as recorded in the Recorder's Office of Allegheny County, Pennsylvania, in Plan Book Volume 40, pages 9-14, said lot being bounded and described as follows, to wit:

BEGINNING at a point on the dividing line between Lots Nos. 102 and 103 in said Plan, said point of beginning being North 3° 50' East, eighty-two and two hundredths (82.02) feet from an iron pin on the northerly side of Cherry Street; thence from said point of beginning by said dividing line, North 3° 50' East, ninety-six and ninety hundredths (96.90) feet to an iron pipe; thence South 86° 10' East, seventy-two (72) feet to an iron pipe on the westerly side of Sherman Street in said plan; thence by Sherman Street, South 8° 37' 46" East, eighty and nineteen hundredths (80.19) feet to a point; thence through Lot No. one hundred three (103) South 82° 04' West, ninety-one and twenty-two hundredths (91.22) feet to the point on the dividing line between Lots Nos. 102 and 103, in said Plan, at the place of beginning.

BLOCK AND LOT 324-B-46.



AND

ALL that certain lot or piece of ground situate in South Fayette Township, Allegheny County, Pennsylvania, being Lot No. 102 in the Morgan Manor Plan of Lots as recorded in the Recorder's Office of Allegheny County, Pennsylvania, in Plan Book Volume 40, Pages 9-14, and being bounded and described as follows, to-wit:

BEGINNING at a point on the Northerly side of Cherry Street at the dividing line between lots nos. 102 and 103 in said plan; thence Westwardly along Cherry Street, South  $81^{\circ} 20'$  West, a distance of fifty-one and twelve hundredths (51.12) feet to a point on the Easterly line of a twenty (20) foot unnamed way or alley, said point being the Northeasterly twenty (20) foot unnamed way or alley, said point being the Northeasterly corner formed by the intersection of the Northerly line of Cherry Street with the Easterly line of a twenty (20) foot unnamed way or alley as shown on said Plan; thence Northwardly along said twenty (20) foot unnamed way or alley. North  $3^{\circ} 50'$  East, a distance of one hundred ninety (190) feet to a point; thence Eastwardly by a line running South  $89^{\circ} 10'$  East, a distance of fifty (50) feet to a point at the dividing line between Lots Nos. 102 and 103 aforesaid; and thence Southwardly along said dividing line, South  $3^{\circ} 50'$  East, a distance of one hundred seventy-eight and ninety-two hundredths (178.92) feet to a point on the Northerly side of Cherry Street, at the place of beginning.

BLOCK AND LOT 324-B-47.

