

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

RESOLUTION

No. 24 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 AT 568 MILLERS RUN ROAD, BLOCK AND LOT 324-E-22, SOUTH FAYETTE TOWNSHIP, ALLEGHENY COUNTY, PENNSYLVANIA, FOR THE EXPANSION OF MILLERS RUN ROAD 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 safe, necessary, navigable and adequate roadways for transportation in South Fayette; and

WHEREAS, , the Township of South Fayette desires to expand the Millers Run Road and Morgan Hill Road right of ways in certain locations to foster the safe and efficient flow of traffic along such roadways; and

WHEREAS real property known as 568 Millers Run Road, Block and Lot 324-E-22 is located at the intersection of Morgan Hill Road and Millers Run Road in an area which requires additional right of way to provide for a safe and adequate cartway for vehicles to safely travel; 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 roadway 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 expansion of the Millers Run Road and Morgan Hill Road rights of way, 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 signature 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 14th day of December, 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

EXHIBIT "A"

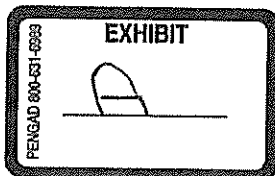
ALL THAT CERTAIN LOT OR PIECE OF GROUND SITUATE IN THE COMMONWEALTH OF PENNSYLVANIA, COUNTY OF ALLEGHENY, TOWNSHIP OF SOUTH FAYETTE, BEING LOT NO. 2 IN THE CASTRIOTA PLAN, ALLEGHENY PLAN BOOK 124, PAGE 140, BEING MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTHERLY SIDE OF MORGAN HILL ROAD WHERE THE SAME IS INTERSECTED BY THE DIVIDING LINE BETWEEN LOTS NOS. 1 AND 2 IN THE AFORESAID PLAN; THENCE ALONG SAID SOUTHERLY SIDE OF MORGAN HILL ROAD NORTH 67 DEGREES 36 MINUTES 00 SECONDS EAST, A DISTANCE OF 146.35 FEET TO A POINT; THENCE SOUTH 41 DEGREES 41 MINUTES 00 SECONDS WEST, A DISTANCE OF 131.64 FEET TO A POINT AT THE DIVIDING LINE BETWEEN LOT NOS. 1 AND 2 IN THE SAID PLAN; THENCE ALONG SAID LAST MENTIONED DIVIDING LINE NORTH 48 DEGREES 19 MINUTES 00 SECONDS WEST, A DISTANCE OF 63.97 FEET TO THE POINT AND PLACE OF BEGINNING.

UNDER AND SUBJECT TO AND TOGETHER WITH PRIOR GRANTS AND RESERVATIONS OF COAL, GAS, MINING RIGHTS OF WAY, EXCEPTIONS, CONDITIONS, RESTRICTIONS AND RESERVATIONS OF RECORD, AS THE SAME MAY APPEAR IN THIS OR PRIOR INSTRUMENTS OF RECORD.

PARCEL NO. 0324-E-00022-0000-00

THIS BEING THE SAME PROPERTY CONVEYED TO MIDFIRST BANK FROM WILLIAM P. MULLEN, SHERIFF IN DEED DATED APRIL 4, 2016 AND RECORDED MAY 5, 2016 IN ALLEGHENY COUNTY.





BLOCK 324E

PENGAD 800-163-6988

EXHIBIT

B