

Ordinance No. 250

AN ORDINANCE WHEREIN THE BOROUGH OF CLYMER EXERCISES ITS RIGHT OF EMINENT DOMAIN IN THE TAKING OF TWO STRIPS LOCATED WITHIN THE BOROUGH OF CLYMER AND KNOWN AS PARTS OF LOTS 9 AND 12 ON THE OFFICIAL MAP OF THE BOROUGH OF CLYMER

WHEREAS, the Borough of Clymer has the right to exercise the powers of eminent domain to appropriate private land for the purpose of laying out, opening and extending streets pursuant to the Act of February 1, 1966, No. 581, 53 P.S. 46501; and

WHEREAS, pursuant to the Act of February 1, 1966, No. 581, 53 P.S. 47503, the Borough of Clymer must declare its intention to acquire, enter upon, take, use and appropriate private land by duly enacting an ordinance; and

WHEREAS, the Borough of Clymer desires to appropriate private land, being parts of Lots 9 and 12 on the official map of the Borough of Clymer, for the purpose of laying out and opening a public street.

NOW, THEREFORE, it is hereby ordained by the Borough of Clymer as follows:

SECTION I. That the following two (2) described parcels of private land, located in the Borough of Clymer, County of Indiana and Commonwealth of Pennsylvania, are hereby condemned and appropriated by the Borough of Clymer for the public benefit;

ALL those certain pieces, parcels of lots of ground, situated in the Borough of Clymer, county of Indiana and Commonwealth of Pennsylvania, bounded and described as follows:

FIRST: BEGINNING at a point on the southeasterly side of Williams Street at a point which is at the western corner of Lot No. 79 on the official plan or map of the Borough of Clymer and which is also at the northern corner of Lot No. 9 on said plan or map; thence, by line of said Lot No. 79 and continuing by line of Lots Nos. 81 and 83 on said plan or map, South 50° 15' East 150 feet to a point on the northwesterly line of an alley; thence, by said alley, South 39° 45' West 20 feet to a point; thence, through said Lot No. 9, North 50° 15' West 150 feet to a point on the southeasterly line of Williams Street; thence, by said Williams Street, North 39° 45' East 20 feet to a point, the place of beginning. Being a part of Lot No. 9 on the official plan or map of the Borough of Clymer and containing .069 acre in accordance with a survey of George Gera, R.P.S. No. 471-E, dated February 12, 1990.

SECOND: BEGINNING at a point on the northwesterly side of Williams Street at a point which is at the southern corner of Lot No. 77 on the official plan or map of the Borough of Clymer and which is also at the eastern corner of Lot No. 12 on said plan or map; thence, by line of said Williams Street, South 39° 45' West 20 feet to a point; thence, through said Lot No. 12, North 50° 15' West 150 feet to a point on the southeasterly line of Chestnut Avenue; thence, by said Chestnut Avenue, North 39° 45' East 20 feet to a point at the western corner of Lot No. 73 on said plan or map; thence, by line of said Lot No. 73, and continuing by line of Lots Nos. 75 and 77 on said plan or map, South 50° 15' East 150 feet to a point, the place of beginning. Being a part of Lot No. 12 on the official plan or map of the Borough of Clymer and containing .069 acre in accordance with a survey of George Gera, R.P.S. No. 471-E, dated February 12, 1990.

Said parcels BEING part of the same premises which Clearfield Bituminous Coal Corporation, by its deed dated June 8, 1966, and recorded in the Recorder's Office of Indiana County, Pennsylvania in Deed Book Volume 551, page 529, granted and conveyed to Ferdinand J. Pikel, Jr. and Mildred L. Pikel, his wife.

SECTION II.

That the Borough of Clymer shall hire a qualified appraiser for the

purpose of determining the fair market value of the land which by this Ordinance is condemned and appropriated, and that the said owner or owners of said land shall be paid the fair market value of said land.

SECTION III.

That the Borough of Clymer shall comply with all applicable provisions of the Eminent Domain Code, Act of June 22, 1964, P.L. 84, 26 P.S. 1-101, et seq.

SECTION IV.

That, upon adoption of this Ordinance, shall file a Declaration of Taking with the Court of Common Pleas of Indiana County, Pennsylvania.

SECTION V.

That any Ordinance enacted prior to the enactment of this Ordinance and inconsistent with this Ordinance shall, by the enactment of this Ordinance, be deemed null and void.

ORDAINED and ENACTED this fourth day of June, 1990.

BOROUGH COUNCIL OF THE BOROUGH OF
CLYMER, INDIANA COUNTY, PENNSYLVANIA

Spencer Desidero
President

ATTEST:

Connie L. Custer
Secretary

Joseph E. Krolick
Mayor

RESOLUTION
CLYMER BOROUGH

WHEREAS, the Bureau of Recreation and Conservation of the Department of Community Affairs provides technical and financial assistance to Commonwealth municipalities for the planning, acquisition, development and rehabilitation of public park and recreation areas and facilities; and the planning, rehabilitation, and conservation of public buildings for community service centers. Financial assistance is provided through grant programs administered by the Bureau, one of which is the Recreational Improvement and Rehabilitation Act Program which originated as a component of the Pennsylvania Economic Revitalization Act of 1984.

WHEREAS, Clymer Borough has successfully completed a project under this program;

NOW THEREFORE, BE IT RESOLVED by the Clymer Borough Council:

1. The project was completed in accordance with the Grant Contract and is acceptable to the municipality.
2. All project expenditures have been made and were in accordance with the Grant Contract.
3. The municipality will maintain the site in an acceptable manner.
4. The municipality will not discriminate in the use of the site or facilities.
5. The municipality will not convert the site or facilities to a non-public park, recreation, or community center use without first receiving written approval from the Department of Community Affairs.

Adopted by the Clymer Borough Council on this second day of July 1990.

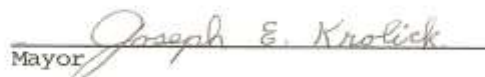
CLYMER BOROUGH



President

ATTEST:





Mayor