

ORDINANCE NO. 59 -1991

AN ORDINANCE OF THE TOWNSHIP OF CENTRE, BERKS COUNTY, PENNSYLVANIA PROVIDING FOR THE EXERCISE OF THE POWER OF EMINENT DOMAIN INVOLVING 16.2440 ACRES OF LAND IN CENTRE TOWNSHIP FOR MUNICIPAL PURPOSES AND PROVIDING FOR ALL NECESSARY ACTION REQUIRED, FURTHER PROVIDING FOR AN EFFECTIVE DATE AND REPEALING ALL INCONSISTENT ORDINANCES.

An Ordinance providing for the acquisition by eminent domain for Township purposes, of certain real estate located on the southeastern side of Township Road T-681 (known as Bucks Hill road) and on the southwestern side of Township Road T-746 (known as Centerport Road) in the Township of Centre, County of Berks, Commonwealth of Pennsylvania containing 16.2440 gross acres.

WHEREAS, The Township of Centre has determined that the real estate hereinafter described is necessary for use as a site for a Municipal Building and other municipal purposes; and

WHEREAS, The Township of Centre deems the acquisition of the real estate hereinafter described to be to the best interest of the Township; and

WHEREAS, Associates Twenty-Five Inc. are the owners of record of the said real estate; and

WHEREAS, the Township of Centre cannot agree with the owners and the Trustee in Bankruptcy on the terms of purchase and acquisition of the said real estate, which has been selected for Township purposes as aforesaid,

BE IT ENACTED AND ORDAINED by the Supervisors of the Township of Centre, Berks County, Pennsylvania, and it is hereby ENACTED AND ORDAINED by the authority of the same, as follows:

Section 1. Pursuant to the authority conferred upon the Township by law, the acquisition of the following described real estate is deemed to be necessary and desirable for Township purposes, for use as a site for a Municipal Building and other municipal purposes, and is deemed to be for the best interests of the Township:

ALL THAT CERTAIN tract of land situate on the Southeastern side of Township Road T-681 (known as Bucks Hill Road) and on the Southwestern side of Township Road T-746 (known as Centerport Road), in the Township of Centre, County of Berks, Commonwealth of Pennsylvania, as shown on a plan prepared by G. L. Kohl & Associates, of Leesport, Pennsylvania, drawing #90-041-136-E, dated 7-10-90, being more fully bounded and described as follows, to wit:

BEGINNING at a point, a corner, in Macadam Township Road T-681 (known as Bucks Hill Road), said point being a corner of property of Associates Twenty-five, Inc. (of which this was once a part) and of Howard W. Miller and Pearl E. Miller, his wife, and a corner of an easement across property of Associates Twenty-five, Inc. for use of Andrew Bortner and Beverly Bortner, his wife, and being the Western most corner of the herein described property, said point being located North 26 degrees 27 minutes 15 seconds East a distance of 43.34 feet from a railroad Spike on or near the Centerline of said Township Road T-681;

thence in and along said Township road T-681 the following five (5) courses and distances, viz:

- (1) along said property of Howard W. Miller and Pearl E. Miller, his wife, North 26 degrees 27 minutes 15 seconds East a distance of 327.20 feet to a point, a corner, marked by a Railroad Spike (found);
- (2) along the same, and along property of Larry B. Miller and Patricia A. Miller, his wife, and along said property of Howard W. Miller and Pearl E. Miller, his wife, North 36 degrees 07 minutes 22 seconds East a distance of 440.24 feet to a point, a corner, marked by a Railroad Spike (found);
- (3) continuing along said property of Howard W. Miller and Pearl E. Miller, his wife, North 46 degrees 17 minutes 43 seconds East a distance of 110.04 feet to a point, a corner, marked by a railroad Spike (found);

- (4) continuing along the same, North 55 degrees 59 minutes 21 seconds East a distance of 214.86 feet to a point, a corner, marked by a Railroad spike (found);
- (5) continuing along the same, North 36 degrees 17 minutes 09 seconds East a distance of 98.34 feet to a point, a corner, in the intersection of said Township Road T-681 and Township Road T-746 (known as Centerport Road), marked by a Railroad Spike (found), said point being in line of the aforementioned property of Associates Twenty-five, Inc. (of which this was a part);

thence along the same and along the Centerline of said Township Road T-746, the following four (4) courses and distances, viz:

- (1) South 07 degrees 23 minutes 22 seconds West a distance of 70.06 feet to a point of curvature, a corner;
- (2) along a curve deflecting to the left, having a delta angle of 46 degrees 57 minutes 52 seconds, a radius of 250.00 feet, and an arc distance of 204.92 feet to a point of tangency, a corner
- (3) South 39 degrees 34 minutes 30 seconds East a distance of 356.31 feet to a point of curvature, a corner;
- (4) along a curve deflecting to the right, having a delta angle of 03 degrees 43 minutes 43 seconds, a radius of 700.00 feet, and an arc distance of 45.55 feet to a point on a curve, a corner of property of Mitchell K. Gaul and Patricia S. Gaul, his wife;

thence along the same and leaving said Township Road T-746, the following two (2) courses and distances, viz:

- (1) passing over a PK Nail (found) located a distance of 0.45 feet from the last described corner, and passing over an Iron Pipe (found) located a distance of 17.66 feet from the last described corner, South 51 degrees 51 minutes 44 seconds West a distance of 250.45 feet to a point, a corner, marked by an Iron Pipe (found);
- (2) South 31 degrees 36 minutes 38 seconds East a distance of 175.00 feet a point, a corner, of the aforementioned property belonging to Associates Twenty-five, Inc., marked by an Iron Pipe (found);

thence along the same and crossing a dirt lane, South 51 degrees 51 minutes 44 seconds West a distance of 843.50 feet to a point, a corner, in line of property of Andrew Bortner and Beverly Bortner, his wife,

thence along the same and along the East Right of Way line of the aforementioned easement across property of Associates Twenty-five, Inc. for use of said Andrew Bortner and Beverly Bortner, his wife, and crossing over a dirt lane, North 28 degrees 14 minutes 00 seconds West a distance of 535.91 feet to the PLACE OF BEGINNING

CONTAINING in area 16.2440 acres of land (Gross Area).

BEING PART OF THE SAME PREMISES which Howard W. Miller and Pearl E. Miller, his wife, by Deed dated March 1, 1972 and recorded in Berks County, in Deed Book Volume 1603, Page 338 of the Berks County Recorder of Deeds, granted and conveyed unto Associates Twenty-five, Inc.

Section 2. The Township of Centre hereby appropriates and takes the above described real estate for Township purposes as aforesaid under the right of eminent domain.

Section 3. The proper officers of the Township are hereby authorized and directed to execute all necessary documents on behalf of the Township to carry out the purposes of this Ordinance.

Section 4. The Township solicitor be and he is hereby authorized and directed to take whatever steps are necessary to carry out the provisions of this Ordinance.

Section 5. All ordinances or parts of ordinances inconsistent with the provisions of this Ordinance be and the same are hereby repealed.

Section 6. This Ordinance shall become effective on the earliest date allowed by law.

ENACTMENT AND ORDAINED as an Ordinance this 17th day of DECEMBER, 1991.

TOWNSHIP OF CENTRE

By: _____
Chairman

By: Harold A. Spat
Supervisor

Attest: George C. Seifert
Secretary

By: Robert J. Hannon
Supervisor