

RESOLUTION NO. 12-2018-1

(Duly adopted 10 December 2018)

A RESOLUTION AUTHORIZING THE FILING OF A DECLARATION OF TAKING AND ALL NECESSARY ACTION FOR THE CONDEMNATION OF A PARCEL OF LAND OWNED BY LOUISE W. KERN FOR THE PURPOSE OF CONSTRUCTING A WATER PUMPING STATION AND APPURTENANT FACILITIES

WHEREAS, the Lehigh County Authority (the "Authority") operates a public water system in western Lehigh County which is comprised of service areas at different elevations and pressure levels; and

WHEREAS, the Authority wishes to interconnect its largest Suburban Division water system with a smaller satellite water system in Upper Milford Township (the "Township"), which interconnection includes a water pumping station, to enhance water service and reliability as well as provide water service to an expanded area of the Township; and

WHEREAS, it is important for the water pumping station and appurtenances (the "Project") to be sited at a specific location to provide adequate pressures and have transportation and other utility access; and

WHEREAS, property located at 3902 Chestnut Street in the Township with a Parcel Identification Number (PIN) of 548481522017 1 is titled in the name of Louise W. Kern and George A. Kern, her deceased husband; and

WHEREAS, the Pennsylvania Department of Transportation (PennDOT) is acquiring the front portion of the Kern property for a bridge reconstruction project, including the home on the property, leaving a residual area unnecessary for its purposes, which PennDOT has designated as the Uneconomic Remnant; and

WHEREAS, the Authority wishes to use the Uneconomic Remnant plus a temporary access easement (the "Parcel") for purposes of the Project; and

WHEREAS, the parties have reached agreement on compensation for the Parcel but timing requires an expedited process; and

WHEREAS, in accordance with §5607(d)(15) of the Municipal Authorities Act the Authority is authorized to acquire the parcel through eminent domain proceedings;

NOW THEREFORE, the Authority pursuant to the Municipal Authorities Act hereby specifically resolves as follows:

1. The caption and preamble of this Resolution set forth above are incorporated herein by reference.

2. All that certain parcel of land, more specifically described and shown on the plan attached as Exhibit A, is hereby selected and appropriated for construction, operation, maintenance, repair, expansion and replacement of the Project, as well as future needs of the Authority.

3. The title to be acquired shall be in fee simple with a temporary construction and access easement until such time as PennDOT completes its acquisition and adjusts the public right-of-way line to border the Parcel.

4. The Authority hereby states its intent to be bound to the Commonwealth of Pennsylvania for such amount of just compensation, by reason of the condemnation, as the Owner, and other parties in interest, shall be entitled to receive after the same has been agreed upon or assessed in the manner prescribed by law; and further that such obligation shall be evidenced by the Authority's open-end bond without surety, as allowed by §403(a) of the Eminent Domain Code of 1964, which shall accompany the Declaration of Taking instituting the eminent domain proceedings.

5. The Chief Executive Officer, Chief Capital Works Officer, Chief Financial Officer, Solicitor, and/or the proper officials of the Authority are hereby authorized to file the Declaration of Taking, and such other documents, including the entry of bonds, as may be necessary or desirable to carry out the purpose of this Resolution.

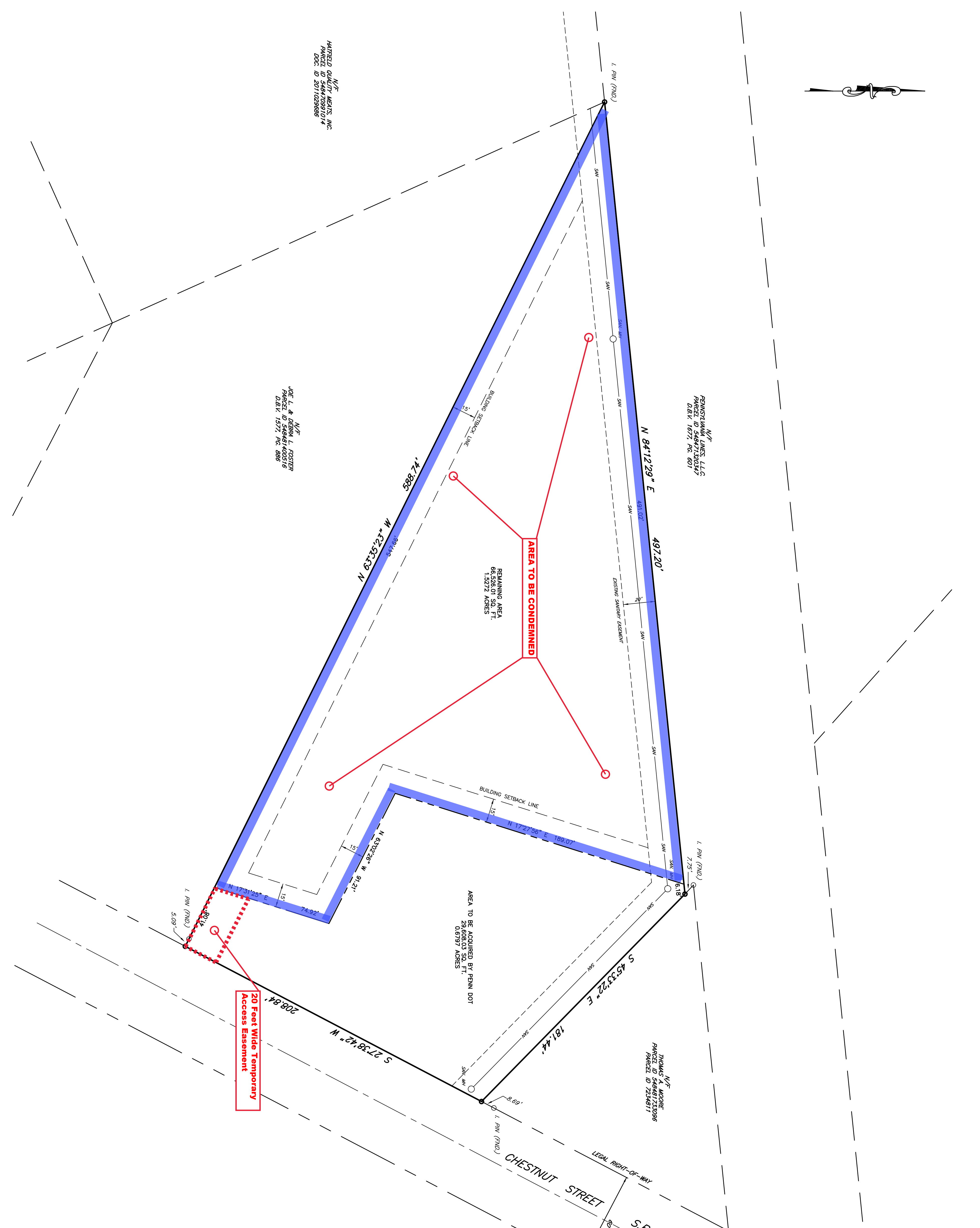
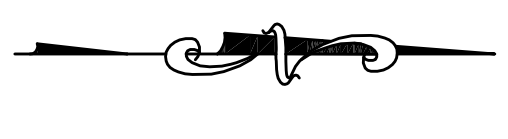
6. The Chief Executive Officer, Chief Capital Works Officer, Chief Financial Officer and/or the proper officers of the Authority are hereby authorized to negotiate and enter into any settlement which is determined to be reasonable as to the amount owing as just compensation for the easement and to execute the necessary documents for such settlement, with either the Solicitor or Human Resources Manager of the Authority authorized to attest such documents.

7. The provisions of this Resolution are severable and if any section, sentence, clause, part or provision hereof shall be held to be illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect the remaining sections, clauses, parts or provisions of this Resolution. It is hereby declared to be the intent of the Authority that such Resolution would have been enacted if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

8. Nothing contained in this Resolution shall be construed to affect any suit or proceeding in any court, or any rights acquired or liability incurred, or any cause of action existing prior to the enactment of this Resolution.

9. This Resolution shall become effective immediately upon enactment.

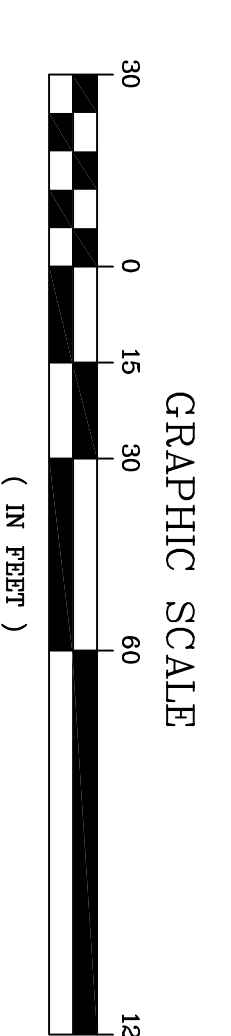
On motion of Ms. Rosenfeld, seconded by Ms. Cusick, this Resolution was adopted the 10th day of December 2018.



AREA TO BE CONDEMNED
 REMAINING AREA
 66,526.01 SQ. FT.
 1.5272 ACRES

AREA TO BE ACQUIRED BY PENN. DOT
 29,608.03 SQ. FT.
 0.6797 ACRES

20 Feet Wide Temporary Access Easement



CHESTNUT STREET
 S.R. 0029
 LEGAL RIGHT-OF-WAY

- GENERAL NOTES
1. OWNER: GEORGE A. & LOUISE W. KERN
3902 CHESTNUT STREET
EMMAUS, PA 18049
 2. SITE DATA: PARCEL ID 548481522017
D.B.V. 869, PG. 504
ARCH. 2,069 ACRES

3. ALL USERS OF THIS PLAN ARE REFERRED TO AND COMPARED TO COMPLY WITH PA ACT 121, AS PER THE LATEST AMENDMENT OF PA ACT 287 OF 1974, EFFECTIVE OCTOBER 3, 2008.
4. THIS PLAN CONTAINS INFORMATION PERTAINING TO UNDERGROUND UTILITIES WHICH IS FOR GENERAL INFORMATION ONLY, AND MAY NOT BE BASED ON AN ACTUAL SUBSURFACE LOCATION SURVEY. ALL SUBSURFACE INFORMATION SHOWN ON THIS PLAN NEEDS TO BE VERIFIED BY THE USER. THE USER SHALL BE RESPONSIBLE FOR OBTAINING NECESSARY RECORDS AND MAKING NO REPRESENTATIONS OR WARRANTIES AS TO THE ACCURACY OF THE LOCATION OR DEPTH OF UNDERGROUND UTILITIES OR OTHER UNDERGROUND FEATURES.
5. THIS PLAN DEPICTS EXISTING CONDITIONS AND PROPOSED IMPROVEMENTS AS THEY WERE SURVEYED AND DESIGNED DURING THE TIME OF PLAN PREPARATION, TO AND INCLUDING THE LAST REVISION DATE. BY THE TIME CONSTRUCTION OCCURS, THE CONDITION OF THE SITE MAY BE DIFFERENT FROM THAT SHOWN ON THIS PLAN. THERE IS NO WARRANTY AS TO THE ACCURACY OR COMPLETENESS OF THE INFORMATION SHOWN IN OR ON THIS PLAN AT THE TIME OF CONSTRUCTION.
6. SUBSURFACE SOIL AND GEOLOGICAL INFORMATION REPORTED ON THESE PLANS IS BASED UPON EXISTING AVAILABLE RECORDS. PLAN USER IS RESPONSIBLE TO VERIFY THESE CONDITIONS BY PERFORMING A FIELD EXPLORATION.
7. THIS BOUNDARY PLAN WAS PREPARED WITHOUT THE BENEFIT OF A TITLE SEARCH AND THE PREPARER ASSUMES NO RESPONSIBILITY FOR ANY UNDETECTED ENCUMBRANCES. THE PLAN PREPARER ASSUMES NO RESPONSIBILITY FOR AND MAKES NO REPRESENTATIONS OR WARRANTIES AS TO THE ACCURACY OF ANY SHOWN EASEMENTS, RESTRICTIONS, OR COVENANTS.
7. ZONING INFORMATION: DISTRICT = SR (SUBURBAN RESIDENTIAL)
USE: PUBLIC UTILITY FACILITY (SPECIAL EXCEPTION)

LOT REQUIREMENTS:
 MIN. LOT AREA: 40,000 SQ. FT.
 MIN. LOT WIDTH: 100 FT.
 MIN. FRONT YARD SETBACK: 30%
 MAX. IMPERVIOUS COVERAGE: 50%
 BUILDING SETBACKS: 15 FT.
 SIDE YARD: 15 FT.
 REAR YARD: 15 FT.

LEGEND

---	PROPERTY LINE
---	CENTERLINE OF ROADWAY
---	LEGAL RIGHT-OF-WAY
---	PROPOSED PENN DOT RIGHT-OF-WAY FOR NEW ROADWAY
---	BUILDING SETBACK LINE
---	EXISTING SANITARY SEWER EASEMENT
---	ADJOINING LOT LINE
---	EXISTING SANITARY SEWER LINE

NOT TO BE USED FOR CONSTRUCTION UNLESS SHOWN BY DIMENSIONS OR PROJECT NUMBER UNLESS OTHERWISE NOTED

VOID UNLESS QUOTE PROFESSIONAL SEAL IS AFFIXED

NO.	DATE	REVISIONS	BY	CHK.

PREPARED FOR

GEORGE A. & LOUISE W. KERN
 PARCEL ID 548481522017

UPPER MILFORD TOWNSHIP, LEHIGH COUNTY, PENNSYLVANIA

ENGINEERING & SURVEYING SERVICES
 COWAN ASSOCIATES, INC.
 1891
 TELEPHONE (610) 538-7975
 FAX (610) 538-1582

DATE: 09-04-18
 SCALE: 1"=30'

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 SCALE: 1"=30'

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