

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

R E S O L U T I O N

No. _____ of 2014

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 A PORTION OF PROPERTY LOCATED AT 1601 MAYVIEW ROAD, SOUTH FAYETTE TOWNSHIP, ALLEGHENY COUNTY, PENNSYLVANIA, FOR USE AS A PARK AS AUTHORIZED BY SECTIONS 1901 AND 3001 OF THE FIRST CLASS TOWNSHIP CODE ,53 P.S.§56901 AND 53 P.S. § 58001.

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

WHEREAS, the Township of South Fayette has established a public park within the Township known as Fairview Park; and

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

WHEREAS, , the Township of South Fayette has identified a portion of property that is satisfactory as to size and location to enlarge Fairview Park to meet the recreational needs of the 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 enlargement of a park or establishment of a park or recreational area pursuant to Sections 1901 and 3001 of the First Class Township Code, 53 P.S.§56901 and 53 P.S.§ 58001.

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 Sections 1901 and 3001 of the First Class Township Code, 53 P.S.§56901 and 53 P.S. § 58001, does hereby elect and resolve to take use and appropriate, and it does hereby take use and appropriate for the public purpose of enlargement of Fairview 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 and Map attached hereto and made part hereof as Exhibit “B” . .

Section 2. The Board of Commisioners 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 b the Court of Common Pleas of Allegheny County, Pennsylvania.

RESOLVED AND ENACTED this 19th day of March, 2014, by the Board of Commissioners of the Township of South Fayette, in this lawful session regularly assembled.

ATTEST:

TOWNSHIP OF SOUTH FAYETTE

Ryan T. Eggleston ,Secretary

By: _____
JOSEPH D. HOROWITZ CHAIRMAN,
BOARD OF COMMISSIONERS

EXHIBIT "A"

Property Owner: Aloe Brothers L.L.C.

Location: A portion of certain real property located along Mayview Road consisting of approximately 68.98 acres of ground and designated as Block and Lot 571-B-2 in the Office of Deed Registry of Allegheny County, Pennsylvania.

Title Reference: A portion of the real property described in a certain Deed dated January 5, 2011 by and between the Commonwealth of Pennsylvania and Aloe Brothers L.L.C. of record in the Department of Real Estate of Allegheny County, Pennsylvania at Deed Book Volume 14515, Page 343 consisting of approximately 68.98 acres of ground and designated as Block and Lot 571-B-2 in the Office of Deed Registry of Allegheny County, Pennsylvania. The Property is described as Lot No. 2 in the aforementioned Deed.